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**GRAZING-HERITAGE RESOURCE MANAGEMENT STRATEGY
ELDORADO NATIONAL FOREST**



Congregating Cows

Prepared By

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RMJ

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EXHIBIT A: Region 5 MOU and National PA

EXHIBIT B: Grazing Allotment Location Map

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GRAZING-HERITAGE RESOURCE MANAGEMENT STRATEGY ELDORADO NATIONAL FOREST

I. HERITAGE RESOURCE PLANNING

A. Authorities

Forest-wide Standards and Guidelines in the Eldorado National Forest's Land and Resource Management Plan (LMP) guide the Grazing-Heritage Resource Management Strategy (Strategy). These general directions for meeting historic preservation mandates for rangeland management activities are implemented according to the terms of a Programmatic Agreement between the USDA Forest Service, Washington Office, and the Advisory Council on Historic Preservation (National PA), pursuant to 36 CFR 800.13, and a Memorandum of Understanding among the USDA Forest Service, Pacific Southwest Region, the California State Historic Preservation Officer, and the Nevada State Historic Preservation Officer (Region 5 MOU). Both of these documents are included for reference in Exhibit A.

The Eldorado's Strategy follows Appendix C Guidelines of the Region 5 MOU which identifies key elements to be included in strategies for issuance and administration of term grazing permits, and for management of other rangeland activities. The Eldorado's Strategy defines these key elements based on principles, processes, and programs set-forth in *Framework for Archaeological Research and Management (FARM)* (Jackson et al. 1994), a Heritage Preservation Plan sanctioned for use in the Programmatic Agreement Among the USDA Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the National Forests of the Sierra Nevada, California (Sierra Nevada PA).

B. Allotment Term Permits and Reissuance Schedule

The Eldorado has a total of 25 range allotments (see Exhibit B). Fifteen of the allotments have active, term permits, and they are scheduled for National Environmental Policy Act (NEPA) analysis over the next 11 years. The remaining allotments are vacant; nonetheless, three are included in the NEPA schedule (see Tables 1 & 2). As indicated in the Tables, several of the allotment plans and NEPA decisions are behind schedule. Adjustments in decision due dates will be necessary as dictated by available funding. The order of the plans are subject to change based on resource protection issues.

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Table 1. Eldorado National Forest
A Schedule of Needed Analysis (Public Law 104-19, Section 504(A))

Allotment	District	Acreage	Begin Analysis	Complete Analysis	Decision to be Issued
Big Hill	Pacific	42,526	1995	1996	1997
Wright's Lake	Pacific	16,817	1995	1996	1997
Sopiago	Amador	6,854	1997	1997	1997
Liddicoat	Amador	1,200	1997	1997	1998
Corral Flat	Amador	3,085	1997	1998	1998
Pardoe	Amador	29,440	1999	1999	2000
Chipmunk	Georgetown	32,650	2000	2001	2001
Tells Peak	Pacific	15,730	2000	2001	2001
Pearl Lake	Pacific	6,957	2000	2001	2001
Cody Meadows	Placerville	36,124	2002	2003	2003
Pyramid	Placerville	6,003	2002	2003	2003
Sherman	Placerville	15,475	2003	2003	2003
Old Pino	Georgetown	82,676	2003	2004	2004
Leek Springs	Placerville	1,960	2005	2005	2006
Cat Creek	Placerville	37,979	2006	2007	2007
Caldor	Placerville	14,010	2006	2007	2007
Morrison	Placerville	35,000	2006	2007	2008
Bear River	Amador	30,425	2008	2009	2009

Table 2. Vacant Allotments

Indian Valley	Bryan Meadow	Nevada Point	Rodoni	Soldier Creek
Rockbound	Pearl Lake	Cat Creek	Caldor	Steely Creek

C. Long-term Management Strategy

1. Landscape Approach

Whenever practicable, the Eldorado will conduct landscape level analysis for range allotments permits. This will be dependant on geographical proximity, congruent timing of permit issuance, and funding. Data collection and analysis will be guided by the *Draft Heritage Resources and Ecosystem Management in the Pacific Southwest Region, USDA Forest Service* (Jackson et al. no date).

2. Corporate Database

Heritage Resources and environmental data will be integrated with the Forest GIS database and Regional database (when available). The current Heritage computerized database will be updated on a yearly basis.

3. Monitoring Results

Monitoring efforts addressing the effects of grazing on heritage resources will be reported on a yearly basis. Pursuant to these findings, management strategies will be refined to minimize loss of values and characteristics that contribute to the importance of heritage resources, and monitoring methods and techniques will be adjusted to be more effective and cost-efficient.

4. Program Emphasis

In its initial years, this Strategy will emphasize inventory and monitoring. Much of the Eldorado has been inventoried, except for high-country allotments and smaller parcels of suitable range. Previous surveys will often provide sufficient data for analysis; however, new inventory and selective sampling of previous inventories will be done where needed to identify resources of interest, and to validate the sufficiency of previous survey coverage. Monitoring to determine the presence of grazing impacts and their degree of damage will be key in establishing "baseline" information. In many cases the degree of damage may be indeterminate because the impact may be too subtle to detect from casual surface observation. Other sites may manifest definite and severe damage; however, it may be difficult to tell whether damage is ongoing, or sites have stabilized or hardened to further damage. Collection of "baseline" data through inventory and monitoring is critical for testing assumptions about the nature of grazing impacts; for predicting potential for impacts; and for designing effective site treatment measures.

A later phase of the Strategy will emphasize heritage resource evaluations and treatments, and will be guided by the results of inventory and monitoring efforts in establishing "baseline" information.

D. Public Participation and Consultation

The Eldorado will provide a two-pronged approach to public participation and consultation in the development of this document. The first prong involves general public notification of the availability of the Draft Strategy for review and comment. The Environmental Assessment (EA) addressee list will be used for this purpose. Interested parties may request a Draft, or they may review a copy at any of the Forest Administrative Units. Tribal governments will have the opportunity, if they so choose, to schedule more detailed discussions by including the Strategy as an agenda item in their regularly scheduled Tribal Council Meetings. In the interests of protection of privacy, Forest representatives will be available for in-person discussions regarding culturally sensitive matters. The Eldorado's Tribal Relations Program Manager will address comments, issues, or concerns and recommend appropriate revisions in the Strategy. Comments, issues, and concerns of range permittees will be addressed by the Forest Range Conservationist and recommendations made for Strategy revisions. Other revisions will be made, as appropriate, based on general public comments. The Final Strategy will be circulated to all parties who commented on the Draft.

The second prong of public participation and consultation will be through Forest compliance with the National Environmental Policy Act (NEPA) for individual allotments. These documents provide detailed information regarding heritage values associated with individual allotments, as well as, a description of specific treatment, protection, and monitoring measures to be employed.

II. CONTEXTUAL HISTORY

A. Environmental, Cultural, Historical, and Archaeological Overviews

Overviews of the Eldorado's environment, prehistory, and ethnography are found in the *FARM*, Unit II, Volume A. Unit I, Volume B of the *FARM* (Jackson et al. 1994) provides additional environmental, cultural, and archaeological context for the North-Central Sierra Nevada which is particularly useful for landscape analysis discussed in the Long-Term Strategy Section of this document. These studies serve as major references for heritage resource management in the North-Central Sierra. An overview of the history of the Forest (including administrative history) is found in the *Historical Overview of the Eldorado National Forest* (Supernowicz 1983). Unfortunately, there is no extensive or compiled written history of range management on the Eldorado. These documents, along with current Forest inventory reports, archaeological site records, and range classification information provide basic data for developing appropriate strategies and methodologies.

B. Grazing Overview

Information explicit to individual allotments is found in forest range atlases, allotment histories and other administrative records. General histories of grazing have been written for California and the Sierra Nevada (Burcham 1957; Kinney 1996; Menke et al. 1996; Rowley 1985; Wagner 1989), and they provide information on trends in grazing which show an overall decrease during the past 130 years.

Overuse in early grazing in the Sierra Nevada created severe environmental damage. The extent of the devastation was first formally recorded in observations of the U.S. Geological Survey during surveys of the newly created Sierra Forest Reserve in 1893. Sudworth and Gannett (1900) reported noted that there was almost a total lack of grass forage throughout a 3,000,000 acre area. Initial federal regulatory efforts to control destructive land use practices were largely ineffective because of the absence of adequate enforcement penalties and monitoring.

The gradual decline in grazing in the Central Sierra Nevada is the result of a number of factors. Decrease in transitory range due to brush encroachment reduced the practice of using lower elevation allotments in conjunction with higher elevation allotments, causing many permittees to drop out by 1950. Despite attempts at type conversion to reclaim rangeland, brush and timber encroachment due to fire suppression continued to decrease rangeland throughout the 1950s and 1960s, resulting in uneconomical conditions. Consequently, numbers of cattle were significantly reduced between 1948-1963 due to voluntary withdrawals, with the exception of World Wars I and II periods when numbers of cattle increased. More reductions were made between 1980-1990, due to increasing emphasis on resource protection and recognition of poor range conditions (Menke et al. 1966:909-910).

Livestock grazing on the Eldorado appears to follow the general trends for much of the Sierra Nevada. Cattle and sheep were first grazed in significant numbers by the 1860s, fifty years before creation of the Eldorado National Forest, and by 1870 livestock grazing was one of the major industries in El Dorado, Amador, Placer, and Alpine counties (Supernowicz 1983:86). Records are scant prior to 1900, so definitive statements as to numbers and locations of grazing use during that period are impossible. The advent of Federal management of the Forest furnishes a look at the grazing use and rangeland conditions in the early decades of the century. During this period, ranching operations were numerous, government regulations were few, grazing was legal anywhere on public lands, and competition with other Forest users was minimal. In 1920, for example, 137 permittees operated on the Eldorado, accounting for 10,943 cattle and horses and 24,243 sheep and goats grazing on the Forest (Eldorado National Forest Allotment Histories; Zegar 1971).

As the Forest Service established formalized land management objectives, inventories increased and regulations developed to exercise control over private industry's use of the national forests. In 1910, the Eldorado initiated fencing of grazing allotments to maximize carrying capacities for a variety of livestock, including cows, horses, pigs, sheep, and goats

(Supernowicz 1997). New Forest uses and growing concerns about the environmental effects of grazing stimulated the development of a long-term range management program. Between 1910 and 1920, inventories of cattle and assessments of ground conditions led rangers and supervisors to conclude that the Eldorado was often seasonally overstocked by 50 percent (Eldorado National Forest Allotment Histories; Zegar 1971).

These and other concerns resulted in the gradual reduction of the allowable number of livestock on the Forest. By 1948, the number of grazing cattle and horses declined by 48%, and the number of sheep declined by 83% from the previous 28 years. The decline can also be attributed to the fact that year-round sheep ranching was initiated in the Central Valley during that period (Eldorado National Forest Allotment Histories; Zegar 1971).

By the 1950s, dairying, which had been the predominant focus of cattle ranching on the Eldorado, declined to less than 1% of the total number of cattle grazing. In 1948, there were 60 allotments on the Eldorado; today there are 25, and 10 of those are vacant. The fewer number of allotments are not determinative, however, of the intensity of grazing because allotment boundaries have often been combined and boundaries have fluctuated through the years. More telling is the decline in the number of animal unit months (AUMs). Permitted AUMs were steadily reduced from about 100,000 in 1910, to 81,000 in 1926, to 69,000 in 1939, to 24,250 in 1958, and to only 15,600 in 1971 (Eldorado National Forest Allotment Histories; Zegar 1971). Today there are 13,000 AUMs permitted on the Eldorado (Eldorado National Forest Land Management Plan).

Grazing opportunities have also been constrained by many other factors, including increases in mountain recreation; creation of wildlife refuges in critical deer winter ranges; federal fire suppression activities which reduce available forage; paving of driveways and competition with autos and machinery which limit stock travel and safety; and diversions of water resources for hydroelectric production and other purposes (Zegar 1971).

III. INVENTORY STANDARDS

(The following process is suitable for reissuance of existing permits and for new permits since new permits will be issued only for established, but vacant allotments)

A. Gather Data (information is necessary for heritage resources and rangelands)

1. Prefield Research for Heritage Resources

For each allotment plan and permit being analyzed the following resources will be consulted to determine the sufficiency of previous coverage (if any), the location of known and recorded cultural properties, expected cultural resource types, and the locations for additional survey.

Eldorado Forest Survey Coverage Maps (GIS)
Heritage Resource Emphasis Zones (GIS)
Grazing Atlases
Allotment Histories
Archaeological Site Atlases
Archaeological Site Records
FARM

2. Prefield for Rangelands

It is critical to identify range types within allotments, as well as, the location of associated facilities and improvements. The following resources should be consulted:

Range Classification Maps (GIS)
Grazing Atlases
Forest Range Conservationist
District Resource Officers

B. Determine Resources of Interest

It is important to establish the classes of heritage resources that may be affected by grazing activities. These "resources of interest" (ROIs) will be the subject of identification efforts. HREZs provide an excellent initial idea about the predominant site types that can be expected to occur throughout the allotment. The types of cultural resources that occur or that are expected to occur within the allotment and the nature and degree of the potential grazing impacts are key to this process.

1. Facts and Assumptions Regarding Livestock Impacts

A number of studies have been done to identify the types and degree of damage livestock can do to cultural resources (Horne and McFarland 1993; Osborn et al. 1987; Roney 1977; Wilsden 1982; Wood 1978). Impacts that are often associated with livestock concentrations include artifact breakages; changes in soil chemistries from introduced manure and urine; introduction of noncultural elements and changes in vegetation mosaics that can complicate interpretation of the archaeological record; and deflation, compaction, and erosion of soils that can create artificial ground surfaces and alter the horizontal and vertical distribution cultural materials. Other impacts associated with grazing include, but are not limited to, installation and maintenance of fences, salt logs, troughs, corrals, etc., which can cause direct damage through disturbance of the soil matrix, or indirectly through the channeling of livestock movements and concentrations through and on archaeological sites. Other management activities such as timber harvest and hiking trails can also change livestock grazing patterns and distributions. The severity of these impacts is dependent on range types.

a. Primary range use has the highest potential for damage to sensitive cultural resources. It is usually less than ½ mile from water, and often consists of meadows, springs, or riparian streambanks that contain suitable quantities and types of high-nutrition forage, or adequate shade and water temperature. Most importantly, primary range includes key concentration areas, which are preferred areas that are grazed to allowable limits first, or that indicate general range conditions.

b. Secondary range use has a moderate to low potential for damage to sensitive cultural resources. It is land which is suitable for livestock use because of accessibility, slope, soil stability, and forage production, but lower priority, and is used only after allowable use levels have been reached on primary range. On allotments, this is typically forested country where forage and browse are less plentiful or palatable, and through which cattle tend to pass without congregating or targeting.

c. Transitory range use has a mixed potential for damage to sensitive cultural resources. Transitory range is created by land disturbances such as wildfire and timber management activities. Transitory range may provide forage similar to primary range, but it is expected to evolve into another vegetation type over time. The Cleveland Fire Wildfire area is an example of a type of transitory range, where brush provides forage as a temporary suitable condition that will probably shift to unsuitable range over the course of the next 5-10 years. Sensitive cultural resources within transitory range may be especially susceptible to new disturbance if the vegetation type had previously been unsuitable, especially if the transitory range provides enough forage to act as primary range and has key concentration areas.

d. Unsuitable range use has a low potential for damage to cultural resources. It has no value for or should not be used by livestock because of unstable soils, steep topography, dense timber or brush, bareness, or inherently low forage productivity. The presence of livestock or past signs of use by livestock does not rule out the possibility that the area is unsuitable range.

2. Facts and Assumptions Regarding Cultural Site Sensitivity:

Standing or partially collapsed cabins and other associated features of historic habitation sites and industrial structures such as railroad trestles may be easily impacted due to their often fragile structural condition. Historic archaeological deposits associated with habitation sites or industry related camp sites such as logging and railroad camps also may be subject to grazing impacts from trampling and soil disturbance. Prehistoric middens (and other multi constituent sites), cemeteries, and more commonly, flaked stone deposits and surface lithic scatters, are also susceptible to disturbances from breakage of surface artifacts and disturbance of their soil matrix. Rock structures, rock cairns, and rock art may also

be sensitive to disturbance depending on their location and mineral type.

Conversely, the inherent stability of certain prehistoric resources such as bedrock mortars and other milling features, and quarries; historic sites and features such as dams, ditches, mine tailings, and roads and trails are more durable on the landscape and less easily damaged by livestock grazing activities.

C. Select Recorded Sites to Examine/Monitor

In the past 20 years, much of the Eldorado has been inventoried and many heritage resources have been recorded. Consequently, large acreage range allotments may have hundreds of recorded sites. To reasonably focus attention on ROIs the following process should be followed:

1. Data Collection

- a. Determine how many sites are known to be located in the grazing allotment.
- b. Determine which range type (primary, secondary, transitory or unsuitable) in which each site is located.
- c. If possible find out the range type history of the transitory range (determine if it was previously categorized as unsuitable, or as secondary).
- d. Examine site record information to determine the monitoring history for the past five years for each of the sites.
- e. Examine site record information to determine if there is evidence of grazing and/or of grazing impacts noted on any of the sites records.
- f. Determine which of the cultural resources are considered Resources of Interest (ROI) for this project (see above).

These findings may be arrayed in tabular form as shown below.

Table 3

Site No.	Site Type	ROI	Range Type	Current Condition/ Evidence of Grazing	Number of Monitoring Events in last 5 years
55-392	BRM/LS	Y	P	E-G/gr -- I	4
55-408	LS	N	S	P	1

BRM = bedrock mortars
gr = grazing in evidence

P = primary E = Excellent G = Good
I = grazing noted with impacts

2. Site Selection/Monitoring Process

Use the following criteria for making selections of sites to be field checked/monitored:

Select 10-20% (minimum) of the total number of sites in the range allotment. The percentage chosen should be guided by the monitoring history of sites in the allotment and overall familiarity with the sites and their condition. Use a larger percentage if large blocks of transitory range have been recently created (e.g. large wildfires), especially if the land was previously determined to be unsuitable (assumes there are no impacts from previous grazing), or when significant numbers of sites have not been monitored in the past 5 years.

Total Sites in Grazing Allotment = _____
Percentage to be field checked = _____
Total number to be field checked = _____

Once you have the total number of sites to be field checked, make selection based on their ROI status, evidence of grazing, range type, and monitoring history. Keep in mind that evidence of grazing does not necessarily equate to damage. Sites are considered to be impacted when it has been physically altered. Emphasis should be given to ROIs located within primary range, in key concentration areas, or near improvements, particularly if grazing impacts are noted on the site record. Overall, however, a variety of sites and locations should be included in the field checks to help establish baseline data to support or refute assumptions regarding livestock impacts, range use, and heritage resource fragility. Table 4 provides an example of criteria used to select sites for field examination.

Table 4

Criteria for Selecting Sites to be Field Checked for Grazing Impacts					
Resource Type	Target to be sampled % (#)	Range Type			
		Primary	Secondary	Transitory	Unsuitable
Non-ROI with evidence of grazing	2% (#)	2% (#)			
ROI with evidence of grazing	70% (#)	40% (#)	15% (#)	40% (#)	5% (#)
ROI with no evidence of grazing	28% (#)	50% of either all primary, or a combination of primary and secondary (#)		50% (#)	

If during field examination it appears that any of the selected heritage resources need to be photo monitored to determine whether impacts are continuing, set-up photo points and begin the photographic monitoring at this time.

D. Identify Survey Strategy

1. Previous Survey

Assess the suitability of previous survey in relation to ROIs, known and expected. Previous surveys must be of appropriate intensity to have identified all ROIs within the allotment. In some cases "Systematic, Selective, Subarea Sampling" (selective examination of portions of the study area) may be appropriate to test the reliability of previous coverage.

2. Private Lands

Private in-holdings are interspersed throughout all range allotments. A few allotments have as much as 50% in private ownership. If the owner has "waived" management to the Forest Service, private lands should be included in the inventory strategy. If the owner has not "waived" management and the permit is an "on-off" type, private lands will not be included in the inventory. For purposes of NEPA analysis, when private land is not inventoried, the potential for impacts to cultural properties must be extrapolated from inventories on public lands. In fiscal year 1999, all term grazing permits on the Eldorado will be "on-off" term permits.

3. New Inventory

Survey strategies use *FARM* techniques appropriate for locating ROIs. Commonly, Primary range and all range improvements and facilities (including those that are proposed) will be examined most intensively based on the high potential for impact and the likelihood of resources of interest. Surface-Intensive (transects intervals are less than 15 meters), or Surface-30 (transect interval are 15-30 meters) will be the most often used survey types.

Secondary and transitory range will be surveyed using "Systematic, Selective, Subarea Sampling" based on the potential for ROIs and probable areas where livestock may concentrate. This approach is particularly efficient in this situation because it allows the survey to target areas of expected cultural resource sensitivity and to validate assumptions regarding livestock impacts.

Unsuitable range will generally not be surveyed because of the low potential for impact, however, limited "Systematic, Selective, Subarea sampling may be used based on professional judgement and to test assumption about livestock use.

4. New Inventory in "No Data" HREZs

In the event little or nothing is known about the types of heritage resources in large portions of an allotment, survey may be designed following the *FARM* example found in the Appendix D of the Region 5 MOU.

IV. EVALUATION STANDARDS

General evaluation standards will follow the general guidelines offered in Appendix C, Clause IV of the Region 5 MOU. Additional guidelines are presented below.

A. *Considering Effects*

NRHP evaluation of heritage resources is mandated under the terms of this Agreement, when damage or potential for damage is noted and cannot be eliminated through standard protection measures. Therefore, the identification of impacts and assessments of the potential for protection are planning activities that precede mandatory NRHP evaluation.

1. No Effect Determinations

Heritage resources are considered not to be affected by grazing activities if there is no evidence of direct physical alterations or disturbances from previous grazing activities; if no physical disturbances are reasonably foreseeable from ongoing or new range management activities; and where Standard Resource Protection Measures (see Section V) can be implemented to effectively protect historic values. It should be noted that evidence that livestock merely have been on a site (e.g. presence of manure) is not necessarily indicative of impact. A no effect determination is also appropriate if no indirect impacts are reasonably foreseeable.

If direct or indirect effects are identified or reasonably foreseeable, the affected heritage resource must be either evaluated to assess the damage; evaluated in response to anticipated impacts; or Standard Resource Protection Measures applied.

2. Determinations of Effect

When impacts are anticipated or when they have been identified, a number of alternatives are available to address or mitigate the damages. The Forest may select from among these measures for the most appropriate and cost-effective approach.

B. Evaluation Options

1. Damage Assessments

Damage assessments are appropriate to use when impacts are occurring on small segments of a heritage resource. Assumption is that damages are limited and would not render the site ineligible; however, assessments are necessary to determine whether the affected portion of a site has been irreparably damaged, or whether values may remain, and need to be protected for further degradation. Further site management will be based on the results of these assessments in consultation with the State Historic Preservation Officer (SHPO).

2. Formal Evaluations

Formal evaluations will be appropriate when major portions of heritage resources are being impacted by livestock grazing, or when impacts are anticipated. This alternative will be chosen when standard protection measures are impossible, impractical or cost-prohibitive.

The Eldorado may elect to apply National Register of Historic Places (NRHP) criteria as defined in the "Secretary of Interior's Standards and Guidelines for Evaluation" (48 Federal Register 190:44729-44738), 36 CFR Part 63, and "How to Apply the National Register Criteria for Evaluation" (National Register Bulletin 15). In the alternative, the Eldorado may elect to evaluate sites using *FARM* approaches to identify sites' values. In either case, the Forest will consult with the SHPO pursuant to 36 CFR 800.4(c) in making these determinations.

a. CARIDAPS. Certain classes of cultural properties also may be evaluated using standardized approaches of the *FARM* which is adapted from the California Archaeological Resource Identification and Data Acquisition Program (CARIDAP). These properties have limited data potential and are not considered eligible for the NRHP.. Consultation with SHPO is not necessary when prescriptive CARIDAP evaluation measures are used.

When sites are determined eligible for the NRHP or have significant values identified in *FARM* terms, the Forest will apply the criteria of adverse effect found at 36 CFR 800.9 and consult with the SHPO, and interested parties, to develop treatment plans that avoid or reduce adverse effects.

3. Expedited Evaluation Process

The following set of expedited evaluation standards may be used for sites with totally compromised integrity or with minimal information value that may be eligible solely under NRHP criterion d.

a. Sites in which cultural deposits and characteristics have been completely compromised by past impacts may be determined "not eligible"; brief but thorough descriptions of specific impacts that have destroyed the sites (e.g.

roads built through sites, bulldozer blading of sites, razing of cabins, etc.) must be provided to justify determinations.

b. Sites with minimal or limited information potential under NRHP criterion d, and which are not eligible under any of the other NRHP criteria, may be determined "not eligible" if:

1) Research questions are identified that are pertinent to the area in which they are located or the site type they represent, but the information the sites may provide to those questions is limited or minimal, and those data are retrieved in site recording.

2) Subsurface testing via shovel probes (or augering, where appropriate) reveals no additional information potential, because subsurface deposits are lacking, or because subsurface deposits have been disturbed so that no integrity of context or information value remains.

4. Deferred Evaluations

Evaluations may be deferred to a later date when heritage resources in allotments:

a. do not evidence physical damage or a reasonable potential for physical damage from grazing or range management activities;

b. when standardized protection measures can be applied to ensure that the values or potential values of the heritage resource can be preserved; or

c. when effects are ambiguous and monitoring standards are prescribed. Effects, or the nature of effects, may often be unknown or ambiguous given the history of past land use and nature of heritage resources. If effects are ambiguous, then limited-term monitoring may be employed, using monitoring standards outlined in this document to determine the nature of effects and need for evaluation and further management.

V. TREATMENT STANDARDS

A. Standard Resource Protection Measures

When there are identified or potential impacts to heritage resources from grazing activities, Heritage Resource Specialists (HRSs), in consultation with appropriate Forest staff, shall determine if standard protective measures are economically feasible, practical, and likely to be effective in resource protection. If HRSs determine that the nature and scope of the impact or potential impact is such that standard protective measures can be applied, these measures may be used in lieu of evaluation.

1. Exclosures

a. Fencing or other protective barriers to exclude livestock from heritage resource sufficient to ensure long-term protection, according to the following specifications:

- 1) the area within the exclosure must be inventoried to locate and record heritage resources;
- 2) the exclosure (i.e. fence) must not divide a heritage resource so that a portion is outside of the fence, if that portion is subject to damage;
- 3) a buffer zone must be provided between the heritage resource and its exclosing fence.

b. Removal of the area(s) containing heritage resources from the allotment.

2. Management Measures

- a. Rest/rotation of livestock.
- b. Reduced or scheduled grazing season
- c. Relocation of livestock management facilities (e.g. salt licks) at a distance from heritage resources sufficient to ensure their protection from concentrated grazing use.

3. Region 5 MOU Measures

Additional guidelines are provided in Appendix C, Clause V of the Region 5 MOU (see Exhibit A).

VI. MONITORING STANDARDS

A. Types of Monitoring

Three types of monitoring will be conducted on the Eldorado as follows:

Type 1 monitoring selected, recorded heritage resources within existing allotments for evidence of grazing impacts;

Type 2 monitoring for effectiveness of standard resource protection measures; and

Type 3 monitoring for ambiguous or indeterminate effects.

B. Monitoring Guidelines

1. Monitoring Selected, Recorded Heritage Resources Within Allotments

This process is defined above in the "Select Recorded Sites to Examine/Monitor" section of this document.

2. Monitoring for Effectiveness of Standard Resource Protection Measures

The Eldorado will be guided by Appendix C, Clause VI.A of the Region 5 MOU.

3. Monitoring for Ambiguous or Indeterminate Effects.

The Eldorado will be guided by Appendix C, Clause VI.B of the Region 5 MOU.

C. Monitoring Methods

1. Regularity and Timing

Monitoring will occur on a regular schedule, in intervals of sufficient frequency to ensure that the source of damage can be accurately identified., but also long enough to provide realistic opportunities for agents of damage to occur. The timing of monitoring activities will be established to afford Heritage Resource Specialists (HRSs), or their agents, opportunities to observe the source and extent of damage as close to the likely period of damage as possible (e.g. livestock rotation, sensitive seasons). In appropriate circumstances, monitoring may occur during the range activity (e.g. installation of improvements).

Type 1 Monitoring will be done during the inventory phase for allotment EAs and Management Plans.

Type 2 Monitoring for selected heritage resources minimally will be done twice within an active allotment year. Baseline information will be established within a reasonable time prior to the potentially damaging activity. The second monitoring will occur as needed during or as soon as possible after the activity. Range EAs and Allotment Plans shall designate specific monitoring requirements.

Type 3 Monitoring for ambiguous or indeterminate effects will follow Type 2 methods described above.

2. Consistency

Observations regarding damage or potential damage will be consistent to enable proper interpretation. Consistency will be provided through the use of the same personnel, through visual media, or both. Consultants may be used, and if so, the scope of work will specify that heritage resources will be monitored for the duration of the observation period for the purposes of this Agreement.

The physical characteristics of the heritage resources, the nature of the potential or identified impacts, and the difficulty of interpretation shall guide the design of monitoring methods. Methods may range from simple observation to detailed, instrument-based measurements. Visual media (photographs, videotape) are acceptable monitoring tools. Photographic formats and procedures will be standard (media type, lens type, recording positions or photo stations), and general environmental conditions will be considered (ground surface conditions such as vegetation cover, illumination, etc.).

3. Relevance

Observations made during monitoring will be specific to the types and locations of noted damage. In other words, observations on general surface conditions may not be sufficient to monitor damage. Specific damage or suspected damage locations should be noted and repeatedly observed for change. General surface observations are appropriate for Type 1 and Type 2 Monitoring situations.

4. Reporting

The methods and results of monitoring will be recorded in monitoring forms. The Eldorado will use standardized monitoring forms developed specifically for monitoring grazing impacts, and these forms will be completed for each monitoring episode. The final monitoring episode will include a conclusion regarding the nature of damage and recommendation for additional management considerations, consistent with the terms of this Agreement.

5. Duration

The duration of monitoring under prescribed standards will be established on the basis of need and circumstance but shall not exceed 3 years under the terms of this Agreement. Extended monitoring may be established as the condition of a treatment plan, permit condition, or result from consultation under other conditions of this Agreement.

VII. PROFESSIONAL QUALIFICATIONS

The Eldorado shall maintain a staff of professional heritage resource specialists as required in Attachment 2 of the Sierra Nevada PA, to ensure the provisions of this Strategy are completely and consistently followed.

VII. ANNUAL REPORT

A. Contents

The Eldorado shall submit a list of range projects undertaken for the Fiscal Year. It will include the following information:

1. General Descriptions

- a. Allotment/Project Name
- b. Allotment/Project Acreage (include acres of primary, secondary, transitory, unsuitable).
- c. Brief Summary of Allotment APE (including acres of private land, improvements).

2. Inventory

- a. Acres of Previous Inventory
- b. Acres of New Inventory
- c. Total Number of Heritage Resources
- d. Number of Heritage Resources Examined/Monitored for Existing/Potential Effects
- e. Brief Discussion of Strategy Effectiveness and Changes in Strategy

3. Evaluation

- a. Number of Damage Assessments
- b. Number of Formal Evaluations
- c. Number of CARIDAPs
- d. Number of Sites Determined Eligible (NRHP or FARM)
- e. Number of Sites Determined Not Eligible (including CARIDAPs)

4. Treatment

- a. Numbers of Sites Protected from Effects (describe treatment measures)
- b. Summary Discussion of Effectiveness of Treatments
- c. Description of Inadvertent Effects and Corrective Actions

5. Monitoring

- a. Numbers of Resources Monitored for Treatment Measure Effectiveness
- b. Numbers of Resources Monitored for Effects.
- c. Brief Discussion of Effectiveness of Monitoring Methods, and Recommended Changes (if needed)

6. Public Outreach and Participation

The Eldorado will provide a summary of the results of consultations pursuant to Section I.D of this document.

7. Problems with Implementation

The Eldorado will identify any problems in implementation of this Strategy and make recommendations for correction or improvement.

IX. REVIEW AND CONSULTATION

A. Grazing/Heritage Resource Management Strategy Review

The Eldorado shall submit this Strategy to the Regional Office and SHPO for review and comment. The SHPO shall provide comments within 30 calendar days of receipt of the Strategy. If the SHPO fails to comment, the Forest may assume concurrence and proceed to implement the Strategy.

Reporting and review of the implementation and effectiveness of this Strategy shall occur on an annual basis, allowing the Forest, Regional Office, and SHPO, opportunities to monitor and recommend improvements to the Strategy, as appropriate.

B. Annual Reporting Date

The Annual Report for the Grazing/Heritage Resource Management Strategy will be submitted to the Regional Office and the SHPO in an Appendix to the Eldorado's Annual Report for the Sierra Nevada PA.

Archaeological Site Survey Records and Monitoring Forms will be submitted to the the appropriate Regional Information Centers.

Unless an extension has been granted by the SHPO, failure to submit an Annual Report may result in termination of the Forest's participation in the terms of the National PA, Region 5 MOU, and in implementation of this Strategy, and pursuant to Stipulation XII.B of the Region 5 MOU.

C. Review Period

SHPO will be allowed 30 calendar days to review and comment on the Annual Report. If SHPO fails to provide comments within this review period, the Forest may assume concurrence.

At its discretion, SHPO may elect to review heritage resource management documents for individual range undertakings. The Eldorado shall provide the requested documentation within 15 calendar days of SHPO's notification.

SHPO shall provide comments to the Forest within 15 calendar days of receipt of the requested documentation, if that documentation is submitted in a timely manner.

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EXHIBIT A

Region 5 MOU and National PA

MEMORANDUM OF UNDERSTANDING
AMONG THE
USDA FOREST SERVICE, PACIFIC SOUTHWEST REGION,
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
RANGELAND MANAGEMENT ACTIVITIES

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INTRODUCTION

This Memorandum of Understanding was prepared under terms of a Programmatic Agreement between the USDA Forest Service, Washington Office, and the Advisory Council on Historic Preservation, pursuant to 36 CFR 800.13 (see Appendix A). The Programmatic Agreement provides a national heritage resource management strategy by which Forest Service Regions and individual Forests may meet their historic preservation mandates for the issuance and administration of term grazing permits, and for management of other rangeland activities, such as range improvements and allotment plans, which require National Environmental Policy Act compliance. The Programmatic Agreement accommodates diverse regional and Forest planning needs by offering the following options:

- Option 1: compliance with the process established at 36 CFR 800.4-6 (see Appendix A, Stipulation II.A);
- Option 2: application of a set of heritage resource management standards that allows independent Forest management for undertakings, without case-by-case consultation, when the prescribed standards are followed (Appendix A, Stipulation II.B);
- Option 3: development of Memoranda of Understanding that define heritage resource management processes tailored to regional or Forest needs (Appendix A, Stipulation II.C);
- Option 4: compliance with terms of existing Programmatic Agreements that provide procedures for heritage resource management related to rangeland management activities (Appendix A, Stipulation II.D); or
- Interim:
Procedures deferral of heritage resource management activities for term grazing permits that expire between January of 1995, and June of 1996; deferral requires selection of one of the aforementioned four options, and development of a schedule for implementation under the selected option (Appendix A, Stipulation II.E).

This Memorandum of Understanding follows the third planning option offered in the Programmatic Agreement. It was developed to accommodate the Pacific Southwest Region's Forest variability. The Memorandum of Understanding strives to:

assist Pacific Southwest Region Forests in meeting their Section 106 responsibilities for grazing undertakings through streamlined and efficient management, reporting, and review processes;

assist Forests in meeting their Section 106 responsibilities for grazing permit renewals by approaching them from a long term ecosystem management

perspective that allows scheduling compliance review over the ten year life of the Memorandum of Understanding;

provide guidelines for development of Forest Grazing-Heritage Resource Management Strategies and annual reporting;

encourage integration of heritage resource management activities with National Environmental Policy Act requirements and implementation of Forest Land and Resource Management Plans;

encourage the development of long-term research and data collection programs to determine the effects of grazing on heritage resources;

encourage comprehensive heritage resource planning through the use of landscape scale and ecosystem management perspectives and data collection procedures; and

provide guidance by which Forests may advance their compliance with Section 110 of the National Historic Preservation Act.

MEMORANDUM OF UNDERSTANDING
 AMONG THE
 USDA FOREST SERVICE, PACIFIC SOUTHWEST REGION,
 CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
 AND THE
 NEVADA STATE HISTORIC PRESERVATION OFFICER
 REGARDING
 RANGELAND MANAGEMENT ACTIVITIES

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MEMORANDUM OF UNDERSTANDING
AMONG THE
USDA FOREST SERVICE, PACIFIC SOUTHWEST REGION,
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,
AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
RANGELAND MANAGEMENT ACTIVITIES

WHEREAS, National Forests (Forest) of the USDA Forest Service, Pacific Southwest Region (Region 5) are responsible for multiple-use management of National Forest lands, and manage rangelands and issue term grazing permits pursuant to the Organic Administration Act (16 USC 473-482, 551), the Forest and Rangeland Renewable Resources Planning Act (16 USC 1600), the Federal Land Policy and Management Act (16 USC 1701), the National Forest Management Act (16 USC 1600), federal regulations (36 CFR Part 222), and Forest Service policy (Forest Service Manual 2200, and Forest Service Handbook 2209.13); and

WHEREAS, the USDA Forest Service, Washington Office (WO) establishes and issues policy for all Forests, and has determined that issuance of term grazing permits may affect properties (historic property) either included in or eligible for inclusion on the National Register of Historic Places (NRHP); and

WHEREAS, issuance of term grazing permits and other rangeland management activities requiring National Environmental Policy Act (NEPA) compliance are undertakings subject to Sections 106 and 110 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470), and the Advisory Council on Historic Preservation's (Council) implementing regulations 36 CFR 800; and

WHEREAS, the WO has consulted with the Council to develop special procedures by which Forest Service Regions and their individual Forests may meet requirements of Section 106, and has executed a Programmatic Agreement (PA) for Rangeland Management Activities (see Appendix A), pursuant to 36 CFR 800.13; and

WHEREAS, this Memorandum of Understanding (MOU) is executed with the California and Nevada State Historic Preservation Officers (SHPO), pursuant to Stipulation II.C of the PA, to provide a means by which Forests in Region 5 may take into account effects of issuance of term grazing permits and management of rangeland activities on historic properties; and

WHEREAS, the Forests of Region 5 have a mission to provide sustainable and diverse ecosystems for public benefit and use, to which the rangeland and heritage management programs contribute; and

WHEREAS, the definitions in Appendix B, in addition to the definitions of 36 CFR 800.2, are applicable throughout this MOU;

NOW, THEREFORE, Region 5 and the SHPO agree that this MOU is consistent with the terms of the PA, and execution of the provisions of this MOU by participating Forests in Region 5 will ensure that historic properties are taken into account when considering issuance of term grazing permits and management of rangeland activities, and that when administered according to MOU provisions, individual undertakings need not be submitted to SHPO for project specific comment, except as specified in the following stipulations.

STIPULATIONS

Region 5 shall ensure that the following stipulations are implemented.

I. HERITAGE RESOURCE PLANNING

This MOU is developed to provide smooth and timely integration of heritage resource management with other Forest land use and environmental planning mandates for range management activities. It provides a two tiered approach to heritage resource planning in relation to range management activities:

- a) a short term approach to meeting NHPA Section 106 and NEPA compliance needs for newly proposed range activities; and b) a long term approach to meeting ecosystem management oriented needs for on-going heritage and range activities.

- A. Newly proposed undertakings for range improvements, new allotments or new grazing permit issuances, and other range activities that have new components to them, require heritage resource compliance coverage (prefield research, survey, evaluation, monitoring, and treatment, as necessary) prior to project implementation, pursuant to the terms of this MOU. These are to be reported on annually, in Annual Reports, pursuant to Stipulation IX.
- B. On-going range undertakings, such as grazing permit reissuances, without new improvements or components to them, shall be scheduled for heritage resource compliance coverage within the ten year life of this MOU. Such long term management includes scheduling for survey, evaluation, monitoring, and treatment, as appropriate. Schedules shall be delineated in Grazing-Heritage Resource Management Strategies (Stipulation II), and shall be determined based on Forest heritage and range resource needs and priorities, particularly taking into account contributions to long term ecosystem management needs. Accomplishments towards long term management shall be reported annually, in Annual Reports (Stipulation IX).

II. GRAZING-HERITAGE RESOURCE MANAGEMENT STRATEGY

R5 Forests participating in this MOU shall develop Grazing-Heritage Resource Management Strategies (Grazing-Heritage Strategy) to guide their heritage resource activities for range management undertakings, including grazing permit issuances. Grazing-Heritage Strategies provide Forest schedules and standards related to planning for, identifying, evaluating, monitoring, treating, and managing heritage resources for grazing permit issuances and for range management activities. They may consist of one overall strategy, or of alternative strategies conditioned by certain variables, such as environment or site density. These strategies may be revised annually throughout the course of this MOU, depending upon the results of heritage resource findings initiated under them.

- A. Except as noted immediately below, Forests need not (but may) consult with SHPO prior to implementing Grazing-Heritage Strategies the first year under this MOU until the first Annual Report (Stipulation IX), with the understanding, however, that work for some range undertakings may have to be revised, depending upon agreements reached with SHPO

during the first Annual Report consultation regarding strategy and undertaking needs. Beginning with the first Annual Report, Forests shall consult annually with SHPO regarding strategies for the upcoming year in their Annual Reports.

1. Appendix C clause IV or PA Option 2 evaluation guidelines shall be used as minimum standards until alternative evaluation strategies have been approved by SHPO.
 2. Appendix C clause V or PA Option 2 treatment standards shall be used as minimum standards until alternative treatment strategies have been approved by SHPO.
- B. Forests shall consult with local Native Americans and interested publics about Grazing-Heritage Strategies. Consultation may occur on a Forest-wide level, but sufficient information must be provided about geographic areas affected and nature of rangeland undertakings to allow identification of specific areas of concern. Procedures for protecting sensitive data should be addressed. Results of consultation are to be addressed in Annual Reports (Stipulation IX).
- C. Appendix C clause II provides a set of regional guidelines for Grazing-Heritage Strategies. As with the Option 2 standards of the PA, these guidelines provide a set of alternative standards that may be used for independent Forest management without project specific case-by-case SHPO consultation. However, Appendix C guidelines are based on moderate standards, generally for heritage resources with moderate sensitivity, significance, or complexity. It is expected that some Forests will find that standards must be varied from these general guidelines to more appropriately meet specific Forest heritage and range resource needs. Thus, Forests may have to develop more specific or considerably different standards to take into account the needs of particularly sensitive or less sensitive heritage resources, large or small range programs, varied environmental conditions, etc.
- D. Forests may elect to use the standards identified under Option 2 of the PA, or they may follow Option 1 or Option 4 of the PA; if they do, they are satisfying their Section 106 compliance under provisions of the PA other than this MOU (Option 3 of the PA). Requirements regarding reporting and consultation for Options 1, 2, and 4 are detailed in the PA.

III. INVENTORY

- A. Forests shall develop inventory standards for their Grazing-Heritage Strategies and document them in their Annual Reports (Stipulation IX). Inventory efforts should accommodate both short and long term planning needs, pursuant to Stipulation I.
- B. Newly proposed range undertakings shall receive inventory coverage, as needed, prior to project implementation, to ensure that proposed actions will not diminish significant qualities of heritage resources, pursuant to Stipulation V.
- C. It is expected that strategies for inventory will vary depending on site sensitivity, grazing use, environmental conditions, short and long term program needs, etc. Guidelines for inventory strategies are

provided in Appendix C clause III. Examples of inventory strategies are provided in Appendix D.

IV. EVALUATION

- A. Forests shall develop evaluation standards for their Grazing-Heritage Strategies. Forests may base evaluation standards on Appendix C clause IV regional guidelines or PA Option 2 standards, or may develop different sets of standards geared to specific Forest heritage resource needs. Forests shall use Appendix C clause IV or PA Option 2 evaluation guidelines as minimum standards until Grazing-Heritage Strategies are reviewed and approved by SHPO.
- B. Forests are encouraged to evaluate heritage resources located within grazing allotments and range undertakings, so that sites with NRHP eligible values, or other values deemed important to Forests (e.g., interpretive or educational values), may be managed appropriately and their ecosystem contributions identified, and so that sites without NRHP or other values may be eliminated from on-going management responsibilities.
- C. The expedited evaluation procedures outlined in Appendix C clause IV may be used to recommend that wholly compromised sites or sites of minimal or limited value be determined "Not Eligible" to the NRHP.
- D. Determinations of eligibility may be sought in the Annual Report, or may be requested separately, pursuant to 36 CFR 800.4(c), except as noted below.
 - 1. Forests shall follow the provisions of 36 CFR 800.4(c) regarding significance evaluation, except as provided in Stipulation IV.D.2 immediately below, whenever range undertakings may adversely affect or diminish NRHP or other significant values of heritage resources.
 - 2. Significance evaluation is not necessary prior to initiating range undertakings if the standard resource treatment measures of Appendix C clause V can be implemented to ensure that potential values are unaffected in any manner. The nature and scope of proposed undertakings must be such that effects can be reasonably predicted, but appropriate standard treatment measures can be implemented to ensure that heritage resource values are protected.
 - 3. Significance evaluation may be necessary when effects to heritage resources from range undertaking activities are ambiguous or undetermined, pursuant to Stipulation V.C, and monitoring is necessary, pursuant to Stipulation VII.B, to determine if historic values are being diminished.

V. EFFECT

- A. Range undertakings where historic properties are not affected may be implemented without prior consultation with SHPO. These undertakings shall be documented in Annual Reports, pursuant to Stipulation IX. They include:

1. Undertakings where no heritage resources are identified within project Areas of Potential Effect (APE);
 2. Undertakings where heritage resources are identified within APES, but, because of the nature of the sites and/or their locations well outside project impact areas, treatment measures are not necessary for the protection of historic values.
 3. Undertakings where heritage resources are identified within APES, and where standard resource treatment measures of Appendix C clause V can be implemented to effectively protect their historic values.
- B. Range undertakings where historic properties are identified within APES, and where historic values may be adversely affected or diminished by project activities, require consultation with SHPO, and ACHP if necessary, on a case-by-case basis, pursuant to 36 CFR 800.5-6.
- C. Range undertakings where heritage resources are identified within APES, and where the effects to historic values from project activities are ambiguous or undetermined, shall require monitoring pursuant to Stipulation VII.B.

VI. TREATMENT

- A. Forests shall develop treatment standards for their Grazing-Heritage Strategies. Forests may base treatment standards on Appendix C clause V standard resource treatment measures or PA Option 2 standards, or may develop different sets of standards geared to specific Forest needs. Forests shall use Appendix C clause V standard resource treatment measures or PA Option 2 standard protective measures as minimum standards until Grazing-Heritage Strategies are reviewed and approved by SHPO.
- B. The standard resource treatment measures defined in Appendix C clause V may be used to halt or minimize on-going damage to heritage resources. If the standard protection measures can be effectively applied, then no evaluation is necessary. Applications of such measures shall be documented in Annual Reports.
- C. The potential for applying standard resource treatment or protective measures to eliminate grazing damage or potential damage should be considered for each resource at which such damage is noted.

VII. MONITORING

- A. Forests shall develop monitoring plans for their Grazing-Heritage Strategies; monitoring results shall be documented in Annual Reports. Guidelines for monitoring are provided in Appendix C clause VI.
1. Forests shall conduct monitoring, as necessary, to ensure that prescribed treatment measures are effective.
 2. When damaging effects to heritage resources from grazing and rangeland management activities are ambiguous or indeterminate, Forests shall conduct monitoring, as necessary, to determine if

degrading effects are resulting from grazing activities and if they are continuing to affect the characteristics that may make properties eligible to the NRHP or if they are otherwise adversely affecting the values of heritage resources.

- B. When monitoring has yielded sufficient data to make effect determinations, the following options apply:
 - 1. When no additional degrading damage will likely occur because standard resource treatment measures from Appendix C clause V, standard protective measures from PA Option 2, or Forest treatment standards from approved Grazing-Heritage Strategies are adequate to prevent further damage from rangeland management activities, SHPO consultation on a case-by-case basis is unnecessary; such applications shall be reported in Annual Reports.
 - 2. When no additional degrading damage will likely occur, even without implementation of standard treatment measures, then no further treatment consideration of those resources is necessary, even if past grazing impacts to the ground surface are evident.
 - 3. When additional degrading damage will likely occur, mitigation of adverse effects shall be addressed on a case-by-case basis, pursuant to Stipulation V.B and 36 CFR 800.4-6.

VIII. LONG TERM MANAGEMENT

- A. Forests shall develop long term management strategies, particularly for evaluation, treatment, and monitoring of heritage resources in relation to range management activities, and incorporate them into Grazing-Heritage Strategies. These strategies shall include schedules and requirements for addressing grazing permit reissuances.
- B. Long term management should incorporate an ecosystems management focus to address the effects of range management activities on heritage resources, and to contribute heritage resource data to understanding and managing ecosystems.
- C. Long range management of heritage activities over the ten year life of this MOU should be flexible, generally striking a balance in heritage resource management activities for the range program among inventory, evaluation, monitoring, and treatment of heritage resources.

IX. ANNUAL REPORT OF RANGELAND MANAGEMENT HERITAGE RESOURCE ACTIVITIES

- A. Each National Forest participating in this MOU shall prepare an Annual Report of Rangeland Management Heritage Resource Activities (Annual Report) for all heritage resource activities conducted under the terms of this MOU during the previous Fiscal Year.
- B. Annual Reports shall summarize activities carried out under the MOU. Annual Reports are program reporting documents; they emphasize the overall effects on heritage resources of the rangeland management program, and provide information on program wide trends and findings for heritage resources in relation to range management activities. They are not meant to be compilations of individual project reports;

they are meant to be programmatic summaries of data and significant findings.

- C. Annual Reports shall include at least three major sections: a) Grazing-Heritage Strategies that guide, set standards, and provide schedules for Forest heritage resource activities in relation to the range management program, as described in Stipulation II; b) Results, as annual summaries of accomplishment data and significant findings resulting from rangeland management heritage resource activities; and c) Appendices, which include project and inventory maps, and site forms for the Fiscal Year's range undertakings. Guidelines for Annual Reports are provided in Appendix C clause VIII.
- D. Unless an extension has been granted by the SHPO, failure by a participating Forest to submit an Annual Report may result in termination of that Forest from the terms of this MOU, pursuant to Stipulation XII.B of this MOU.

X. REVIEW AND CONSULTATION

Review and consultation requirements under the provisions of this MOU are consistent with Stipulation IV of the PA (Appendix A).

- A. Unless otherwise negotiated, Annual Reports shall be submitted concurrently to SHPO and the Regional Office no later than March 1, following each reported Fiscal Year.
 - 1. Annual Reports may be scheduled and coordinated with other such reports to the SHPO provided under other agreements.
 - 2. Annual Report copies submitted to the Regional Office shall not include appendices (project and inventory maps, and site forms).
 - 3. Site forms shall be submitted to appropriate Information Centers for sites recorded in California; site forms shall be submitted to SHPO for sites recorded in Nevada.
- B. SHPO shall be allowed 30 calendar days to respond to Annual Report submissions, including responses for revisions to Grazing-Heritage Strategies. Should SHPO not respond within 30 days, Forests may assume concurrence with submissions.
 - 1. Forests shall have 30 calendar days from SHPO responses to revise submissions, taking into consideration SHPO recommendations, and resubmit to SHPO.
 - 2. SHPO shall have 15 calendar days to respond to resubmissions; nonresponse is assumed to be concurrence.
 - 3. If agreement cannot be reached, Forests may: a) consult with SHPO to try to resolve the dispute in accordance with Stipulation V of the PA; b) choose to follow the R5 MOU Appendix C guidelines as standards; or c) choose to follow the other options described in the PA (Appendix A).

- C. SHPO review of individual range undertakings is not necessary, so long as Forests apply the criteria established in their Grazing-Heritage Strategies, with the following exceptions:
1. Forests may implement inventory and monitoring efforts described in Grazing-Heritage Strategies prior to Annual Report review and acceptance, with the understanding that the SHPO may recommend changes that could result in additional or alternative inventory or monitoring activities;
 2. Forests may implement the evaluation guidelines and standard resource treatment measures listed in Appendix C prior to SHPO concurrence;
 3. At its discretion, SHPO may elect to participate with Forests in consultation on specific range undertakings;
 - a. Forests shall respond to requests to review heritage resource management for individual range undertakings by providing requested data to the SHPO within 15 days of notification;
 - b. SHPO shall respond to Forests within 15 days of receipt of requested documentation, if that documentation is submitted in a timely manner.

XI. PROFESSIONAL QUALIFICATIONS

- A. Forests participating in this MOU shall maintain staffs of professional heritage resource specialists to ensure the stipulations of this MOU are completely and consistently followed.
- B. Stipulations requiring professional judgement and recommendations for development of Grazing-Heritage Strategies, selection of inventory strategies other than complete and intensive, significance evaluation, effect determination, selection of treatments, and monitoring recommendations, shall be carried out by professional heritage resource specialists meeting the Secretary of the Interior's Professional Qualifications standards (DOI National Park Service 1983:44738-44739) or the professional qualifications criteria of 36 CFR 296.8(a)(1), and operating at least at the GS-11 journeyman level.

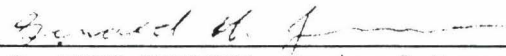
XII. AMENDMENT AND TERMINATION

- A. If at any time the SHPO, Region, or Council determines that changes to the MOU are necessary, or the terms of this MOU have not been met, it may notify the other parties in writing and request amendment or termination.
 1. Amendments to the MOU shall be executed in the same manner as the original MOU, except as noted in Stipulation XII.B.3, below.
 2. If a request for termination of this MOU is received by the Region from the SHPO or the Council, and the issues are not resolved by Forests or the Region to the satisfaction of the SHPO, and the Council if it participates, then the MOU shall be terminated in 30 days from the date the termination notification was received.

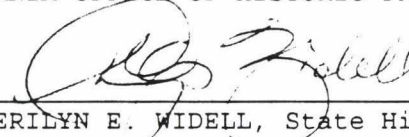
- a. This time frame may be extended for a specified period of time upon agreement of the Region, SHPO, and Council if it participates.
 - b. If this MOU is terminated, the procedures described in the PA (Appendix A) as Option 1 (36 CFR 800.4-6), Option 2 (criteria and standards for independent management), or Option 4 (other executed agreement) may be followed.
3. The Council shall participate as a party to amendment or termination consultation only if it is the objecting party, it so requests, or following provisions of Stipulation V of the PA regarding dispute resolutions. In the event of termination, Forests shall submit all range undertakings for review pursuant to other Options provided in the PA (Appendix A).
- B. The SHPO, Region, or Council may determine that an individual Forest cannot or has failed to meet the terms of this MOU, and that continued participation in this MOU constitutes a threat to historic properties. The objecting party shall consult with the Forest and the other parties to resolve the objection and ensure that the Forest will comply with the terms of this MOU.
 1. The objecting party shall notify the other parties in writing of its desire to suspend participation of a Forest in this MOU. Participation by the Forest shall be suspended 30 days from the date notification was received. This time frame may be extended for a specified period of time or for specific grazing permits, upon agreement of all parties.
 2. If and when the objecting party is (parties are) satisfied that the terms of the MOU can be met, the Forest may once again participate under terms of the MOU. A notice of reinstatement shall be issued by the original objecting party.
 3. Notices of Forest termination or reinstatement shall constitute amendments to this MOU.
- C. Forests may withdraw from participation in this MOU by providing 30 days notice to the Region and SHPO, documenting the reasons for withdrawal, identifying outstanding commitments made under the terms of this MOU, and identifying how they intend to otherwise meet the terms of the PA.
- D. At the end of ten years, the parties to this MOU shall consult to evaluate its effectiveness, and to determine if it should be extended, modified, or terminated. Extension or modification shall be executed as an amendment.

Execution of this MOU by the Region and the SHPO, and implementation of its terms by Region 5 Forests, evidences that those Forests have satisfied the terms of the PA and have taken into account the effects of rangeland management activities on historic properties.

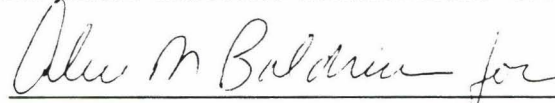
USDA-FOREST SERVICE, PACIFIC SOUTHWEST REGION

By:  Date: 11-17-75
G. LYNN SPRAGUE, Regional Forester

CALIFORNIA OFFICE OF HISTORIC PRESERVATION

By:  Date: 1/30/96
CHERYLYN E. WIDELL, State Historic Preservation Officer

NEVADA STATE HISTORIC PRESERVATION OFFICE

By:  for Date: 3/1/96
RON JAMES, State Historic Preservation Officer

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APPENDIX A

PROGRAMMATIC AGREEMENT
AMONG THE
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE,
AND THE
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
RANGELAND MANAGEMENT ACTIVITIES
ON NATIONAL FOREST SYSTEM LANDS

WHEREAS, the U.S. Department of Agriculture, Forest Service (Forest Service), in administering multiple-use management of National Forest System lands, manages rangeland resources in conformance with federal regulations directing Forest Service range management titled Range Management Subpart A--Grazing and Livestock Use on the National Forest System (36 CFR 222, Subpart A); and

WHEREAS, the Forest Service is committed to preserving and fostering appreciation of heritage resources on and related to National Forest System land management through appropriate programs of protection, research, treatment, and interpretation in keeping with historic preservation and environmental protection statutes and regulations; and

WHEREAS, the issuance of term grazing permits and the administration and management of rangeland activities associated with term grazing permits for National Forest System lands (rangeland management activities) may affect properties either listed in or eligible for listing in the National Register of Historic Places (historic properties), the Forest Service has consulted with the Advisory Council on Historic Preservation (Council) regarding the process by which historic properties shall be considered in conducting rangeland management activities, in accordance with the intent of Section 106 and Section 110(a) of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f and 470h-2), and the Council's implementing regulations entitled "Protection of Historic and Cultural Properties" (36 CFR Part 800); and

WHEREAS, the Council encourages the coordination and integration of implementing procedures for Section 106 of the National Historic Preservation Act (NHPA) described at 36 CFR Part 800 with environmental review carried out pursuant to National Environmental Policy Act (NEPA) and other environmental and historic preservation authorities through the development of agreements, pursuant to 36 CFR Part 800.13; and

WHEREAS, a nation-wide, coordinated program among National Forests would facilitate compliance with Section 106 of the NHPA and related authorities, and improve consistency and accountability in the development and application of appropriate measures to inventory, evaluate, protect, interpret, enhance and manage historic properties; and

WHEREAS, unless otherwise defined in Attachment 1 of this Agreement, all terms are used in accordance with current regulations at 36 CFR Part 800; and

WHEREAS, the Forest Service has consulted with the Council regarding the process by which historic properties shall be considered by the Forest Service in conducting rangeland management activities, in accordance with Section 106 and Section 110(a) of the NHPA (16 USC 470), and its implementing regulations, Protection of Historic and Cultural Properties (36 CFR Part 800);

NOW, THEREFORE, the Forest Service and the Council mutually agree that the Forest Service shall carry out its Section 106 responsibilities in accordance with the stipulations of this Agreement in order to take into account the effects of rangeland management activities on historic properties.

STIPULATIONS

The Forest Service agrees that the issuance of term grazing permits and administration of rangeland management activities shall be conducted in accordance with the following stipulations.

I. STANDARDS

A. PROFESSIONAL QUALIFICATION STANDARDS

All actions taken with regard to the identification, evaluation, and management of heritage resources on National Forest System lands shall comply with the provisions of Section 112(a)(1) of the NHPA (16 U.S.C. 470h-4(a)). Until such time that professional qualifications standards are developed by the Office of Personnel Management, heritage resource program activities related to the implementation of this Agreement shall be carried out under the direction of qualified Forest Service personnel or contractors that meet the "Secretary of Interior's Guidelines for Historic Preservation Projects," Professional Qualifications Standards (48 FR 44738, September 29, 1983), the minimum qualification standards listed in 36 CFR Part 296.8(1), or the Office of Personnel Management's X-118 standards and are working at a journeyman level (GS-11). For the purposes of this Agreement, such qualified professionals shall be referred to as Heritage Resource Specialists (HRSS).

B. REPORTING AND DOCUMENTATION STANDARDS

Documentation produced in accordance with the terms of this Agreement may include heritage resource inventory reports, evaluation reports, treatment plans, management plans, data recovery plans and reports, overviews, and SHPO and Council documentation. Documentation shall meet the standards set forth in Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines (48 FR 44716, September 29, 1983) in appropriate disciplines, as determined by the types of studies performed, and types of heritage resources identified within Areas of Potential Effects (APEs) for term grazing permits. Supplemental documentation requirements may be provided in State Historic Preservation Plans, SHPO guidance, Regional and Forest standards, and historic preservation plans developed for Forests or Regions. Such supplemental documentation requirements shall be cited in Memoranda of Understanding (MOUs) developed pursuant to this Agreement.

II. PLANNING OPTIONS AND OBJECTIVES

This Agreement accommodates the diverse planning needs of Forest Service Regions (Regions) and their member Forests by offering four options for heritage resource management related to rangeland management activities. Each Forest, in consultation with the Region, shall assess its planning needs to determine the planning options best suited to its needs and

circumstances. Regions or Forests may choose from these options on a region-wide or permit-specific basis, according to regional or individual Forest needs and circumstances. The options and salient characteristics of each are summarized in Figure A.

This Agreement should be implemented in ways that ensure the timely provision of information for compliance with NEPA and coordination between heritage resources and other Forest staff responsible for the preparation of NEPA documents and other planning efforts (e.g., Forest Land and Resource Management Plans).

A. OPTION 1: COMPLIANCE WITH 36 CFR Part 800.4-800.6

Regions or individual Forests may elect to satisfy their Section 106 requirements by following the procedures described at 36 CFR Part 800.4-800.6, rather than alternative options described in this Agreement. Option 1 involves consideration of each term grazing permit and individual consultation with SHPOs of states with review authority and responsibilities within those Forest Service administrative areas, and the Council as appropriate, under the terms of 36 CFR 800.4-800.6.

B. OPTION 2: CRITERIA AND STANDARDS FOR INDEPENDENT MANAGEMENT

Option 2 is offered to eliminate or reduce the need for permit-specific consultation with the SHPO under certain circumstances. It does so by providing criteria and standards for determining inventory areas and methods, the circumstances that prompt heritage resource evaluation, and standard protective management measures. This prescriptive approach is termed the "independent management option" because criteria and standards are explicitly defined, have been designed to ensure general agreement by review agencies, and can be applied in a formulaic manner. Application of Option 2 eliminates the need for permit-specific consultation with the SHPO or Council and allows independent heritage resource management by Forests, as long as the criteria and standards are met. Option 2 also eliminates Council review when Forest and SHPOs agree on the treatment of adverse effects. The criteria and standards that guide this independent management are described in Attachment 2.

C. OPTION 3: DEVELOPING FOREST SERVICE/SHPO AGREEMENTS

Regions or Forests may elect to develop Memoranda of Understanding (MOUs) with SHPOs of states with review authority and responsibilities within those Forest Service administrative areas. MOU development provides opportunities to tailor inventory, evaluation, management, monitoring, and review processes to the circumstances of Regions or Forests, and to integrate those procedures with NEPA and NFMA requirements. Option 3 MOUs have the potential to grant Forests considerable independent heritage resource management authority (reducing or eliminating SHPO and Council review), depending on the terms of the MOUs.

MOUs and their related plans must describe inventory, evaluation, monitoring, and management processes that are tailored to the nature of rangeland management activities within defined APES, and should integrate heritage resource management with the consideration of natural resources within the context of other authorities (e.g., NEPA, NFMA, Ecosystem Management directions, Section 110 of the NHPA).

MOU objectives and requirements are described in Attachment 3. Review of MOUs by the SHPO is described in Stipulation IV.A.2 of this Agreement.

D. OPTION 4: COMPLIANCE WITH EXISTING PROGRAMMATIC AGREEMENTS

Regions or Forests may elect to satisfy their Section 106 requirements by following the procedures in existing Programmatic Agreements (PAs) executed pursuant to 36 CFR Part 800.13, where such PAs do not exclude the consideration of term grazing as undertakings, and where such PAs provide for a process of inventory, evaluation, and management applicable to issuance of term grazing permits and consistent with the intent of this agreement.

E. INTERIM PROCEDURES FOR TERM GRAZING PERMITS

Forests that elect to issue term grazing permits between January 1995 - June 1996 may defer completion of planning options described in Stipulations II.A, B, C, and D. However, if term grazing permits include previously ungrazed lands or authorize new ground-disturbing facilities, then Forests must choose from planning Options 1-4 to satisfy their responsibilities under Section 106 and the terms of this Agreement, and may not defer heritage resources planning activities under this Stipulation II.E.

If Forests elect to defer planning options that qualify under these conditions, the Forests shall develop a plan to complete one of the planning options and submit a report to the appropriate SHPOs and Region that identifies for each permit:

1. the proposed term grazing permit(s), including allotment acreage(s) and scheduled date(s) of permit issuance;
2. efforts to date to identify known heritage resources within the allotment(s);
3. public participation efforts, including Native American consultation;
4. known or anticipated conflicts between heritage resources and rangeland management activities, if any;
5. the selected option, as described in Stipulations II.A, B, C, and D; and
6. a schedule for implementing the selected option.

Deferral of inventory, evaluation, and management of heritage resources until after the issuance of term grazing permits does not relieve the Forest Service of responsibilities under other legal authorities (e.g., NEPA, NFMA).

F. REGIONAL COORDINATION

Each Forest Service Regional Office shall serve as an information coordinator under this Agreement. The Region shall notify its Forests of the execution and terms of this Agreement, including any specific guidance that the Regions may wish to convey with regard to implementing the terms of the Agreement.

III. PUBLIC PARTICIPATION

The Forest Service shall seek and consider the views of the public in selecting an option and carrying out actions under the terms of this Agreement. Forests shall establish mechanisms for seeking and taking into

account the views and information of interested persons, including local governments, permittees, Indian tribes, and interested Native American groups.

Forests should also coordinate the public participation requirements of Section 106 with NEPA by including within Environmental Assessments (EAs) and Environmental Impact Statements (EISs) sufficient information on heritage resource identification, evaluation, consideration of effects, and proposed management measures to adequately inform the public of the effects/impacts of proposed rangeland management activities on heritage resources. Such documents shall, however, not include specific information on the location and character of heritage resources where such information is protected under Section 304 of the NHPA (16 U.S.C. 470w-3) or Section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh).

IV. REVIEW, REPORTING, AND CONSULTATION

A. SHPO REVIEW

1. General Time Limits and Authority
 - a) Unless otherwise specified in this Agreement or established by mutual agreement in MOUs, SHPOs shall be afforded 30 calendar days from receipt of appropriate documents to respond to any Forest communications. Should the SHPO not respond within 30 calendar days, the Forests may assume SHPO concurrence with the Forest's documentation and proposed course(s) of action, and shall document nonresponse by the SHPO in the project file.
 - b) If a Forest chooses Option 2 (independent management standards) or Option 3 (MOU development and application), the Forests shall implement the procedures described under each planning option and need not consult with the SHPO with the following exceptions:
 - i) at its discretion, the SHPO may elect to participate with a Forest in consultation on specific undertakings;
 - ii) Forests shall respond to a SHPO request to review heritage resource management for individual term grazing permits by providing documentation to the SHPO within 15 calendar days of the request;
 - iii) the SHPO shall respond to Forests' submittals within 15 calendar days of receipt of Forest documentation, if that documentation is submitted in a timely manner.
 - c) If management measures resulting from the application of any planning option described in Stipulation II fail to protect historic properties or heritage resources from continued degrading damage (effects) to their values as intended, the Forests shall notify the Council and consult with the SHPO on ways to avoid or reduce the adverse effects in accordance with 36 CFR Part 800.5-800.6.
2. SHPO Review Under Option 3, MOU Development
 - a) SHPOs shall be afforded 30 calendar days from receipt to review draft MOUs developed by Regions or Forests. The comments of the SHPO shall be addressed in revising the MOU, which shall be submitted to the SHPO for a 15 day review.

- b) If the SHPO does not respond within 30 calendar days after receipt of the draft MOU, or within 15 calendar days of receipt of the draft final MOU, the Regions or Forests may assume that the SHPO does not object to the submittal and: submit a copy of the unratified MOUs to the Council and then follow the procedures described in the unratified MOUs. SHPO review periods may be extended, at the discretion of the Regions or Forests submitting the MOUs, upon request by the SHPO.
- c) If the Region or Forest submitting the MOU cannot reach agreement with the SHPO on the terms of the MOU, the Forests shall follow either the procedures described at 36 CFR Part 800.4-800.6 (Option 1) or the independent management standards (Option 2) to complete the Section 106 process for individual term grazing permits.
- d) If Forests must proceed with range management activities before MOUs are executed with the SHPO, then Forests may follow the procedures described at 36 CFR Part 800.4-800.6, apply independent management standards (Option 2) described in Stipulation II.B and Attachment 2 for individual permits, or defer heritage resource management activities in accordance with Stipulation II.E, until such time as MOU(s) are executed.

B. PROGRAM REPORTING AND REVIEW

Reporting and review of the implementation and effectiveness of this Agreement shall occur on an annual basis, allowing the Forest Service, SHPOs, and Council, opportunities to monitor and recommend improvements to the Agreement, as appropriate.

1. Forest Reports

In lieu of heritage reports for each grazing permit, each National Forest shall prepare one Annual Report of Rangeland Heritage Resource Activities (Forest Report) for all heritage resources activities conducted under the terms of this Agreement and associated MOUs during the previous fiscal year. If a Forest exclusively follows Option 1, however, a Forest Report is unnecessary. Forest Reports may be scheduled and coordinated with other annual Regional or Forest reports of Section 106 activities to the SHPO provided under other agreements. Forests which choose to follow Option 4 (existing PAs) shall abide by the reporting requirements included in those PAs. In the absence of an alternative reporting schedule, Forest Reports regarding heritage resource management for rangeland management shall be submitted concurrently to SHPOs, Regions, and the FPO no later than March 1, 1996, and annually no later than March 1 of subsequent years while this Agreement is in effect. The Regions or Forests, in consultation with SHPOs, may develop standard formats for the report. This Forest Report shall summarize activities carried out under the Agreement, and at a minimum shall include:

- a. a list of term grazing permits, and the planning options elected for each permit or the entire permitting program if a single planning option is selected;
- b. acreage subject to intensive survey;

- c. the number and types of heritage resources inventoried; the number of resources for which protection measures were proposed or implemented, by type of measure; monitoring requirements and efforts; the number of resources evaluated according to NRHP criteria, and the results of those evaluations; the number of resources for which effects are subject to additional study, according to the type of study;
- d. a summary of important information collected during the year's investigations which may serve to update, modify, or refine existing forest overviews, predictive models, historic contexts, or research considerations;
- e. an identification of problems in implementing the provisions of the Agreement and associated MOUs, as well as recommendations which may serve to improve the Agreement; and
- f. any other reportable activities, beyond compliance activities, including public outreach and participation, related to rangeland management and heritage resources.

Unless an extension has been granted by the SHPO, failure to submit a Forest Report may result in termination of a Forest's participation in the terms of this Agreement in accordance with Stipulation VI.C.1.

Each Forest Service Regional Office may coordinate the assembly of Forest Reports for heritage resource activities conducted under the terms of this Agreement and associated MOUs during the previous fiscal year in order to expedite SHPO review.

Forest Reports shall be submitted to the FPO and the appropriate SHPOs related to each Region. The FPO shall consult with the Council to develop a standard format for the reports.

2. National Report

The FPO or his/her designee shall prepare a National Report of Rangeland Heritage Resource Activities (National Report) for heritage resources activities conducted under the terms of this Agreement each year from the date of execution of this Agreement. The National Report will be submitted to the Council. The National Report shall summarize information provided by the Regions (Regional Reports) along with the FPO's assessment of the effectiveness of the Agreement, and identification of general problems with its implementation and recommendations for improvement, continuation, or termination.

3. Council Request for Information

The Council may request the FPO or his/her designee to prepare a report on heritage resources activities conducted under the terms of this Agreement. The request may relate to a specific term grazing permit or Forest(s') implementation of the terms of this Agreement. The report shall be submitted to the Council no later than 60 calendar days after receipt of a request by the Council. Upon receipt of a request, the FPO shall consult with the Council to determine specific information needs for the assessment, if not explicit in the Council's request. The FPO may request information and assistance from the Regions or individual Forests in assembling the requested information.

4. Review of Reports

The SHPOs, Regions, FPO, and Council, (reviewing parties) may monitor activities carried out pursuant to this Agreement and associated MOUs to determine whether continuation, amendment, or termination is appropriate. Review and effectiveness appraisals may be conducted through meetings, telephone conferences, or other means for this purpose.

Written comments by reviewing parties, should they choose to comment, on a Forest Report, Regional Report, National Report, or specific actions carried out under the terms of this Agreement shall be provided to the appropriate reporting entity within 60 calendar days of receipt. If reviewing parties accept reports without comment, or fail to provide comments, the reports will be considered acceptable for purposes of determining whether to continue to implement, amend, or terminate this Agreement.

V. DISPUTE RESOLUTION

Should the Forest Service, SHPOs, or Council make a timely objection to any actions proposed under this Agreement, the Forest Service authority appropriate to the nature of the objection shall consult with the objecting party to attempt to resolve the objection. If the Forest Service determines that the objection cannot be resolved, it shall forward all documentation relevant to the dispute to the Council, and notify the appropriate SHPOs, Region, and FPO if the objection relates to the general terms of this Agreement rather than an individual rangeland management activity. Within 30 calendar days after receipt of all pertinent documentation, the Council will either:

1. Provide the Forest Service with recommendations, which the responsible Forest Service authority shall take into account in reaching a final decision regarding the dispute; or
2. Notify the Forest Service that it will comment pursuant to 36 CFR Part 800.6(b), and proceed to comment. Any Council comment provided in response to such a request shall be taken into account by the Forest Service in accordance with 36 CFR Part 800.6(c)(2) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. Forest Service responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

At any time during implementation of the measures stipulated in this agreement, should an objection be raised by a member of the public, the Forest Service shall take the objection into account and consult as needed with the objecting party, the SHPO, others, and the Council.

VI. AMENDMENT, TERMINATION, AND FAILURE TO PERFORM

A. AMENDMENT

Signatories to this Agreement shall consult pursuant to Stipulation IV.B.5 to determine the success of their mutual working relationship and effectiveness of this Agreement and associated MOUs, and if

necessary shall make appropriate changes that are consistent with the provisions of this Agreement.

If any signatory to this Agreement determines that the terms of this Agreement cannot be met, or believes changes are necessary, that signatory shall request the consulting parties to consider an amendment to this Agreement. Such an amendment shall be executed in the same manner as the original Agreement.

B. TERMINATION

Any signatory to this Agreement may terminate it by providing 30 calendar days notice to the other parties, provided that the parties consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

C. FAILURE TO CARRY OUT THE TERMS OF THE AGREEMENT

1. If a Region or an individual Forest is unable to carry out the terms of this Agreement or associated MOU, the Region or Forest shall be withdrawn from the Agreement and must comply with 36 CFR 800.4-800.6 with regard to individual undertakings that would otherwise be covered by this Agreement. Inability to carry out the terms of this Agreement or associated MOUs shall be determined through review of Annual Reports or following an objection to the Council and review of the Regional or Forest implementation of this Agreement, made in consultation with the Regional Forester and the appropriate SHPOs pursuant to Stipulation V.
2. In the event a SHPO is unable to fulfill its responsibilities pursuant to this Agreement, the affected Region or Forests shall consult with the Council on an appropriate course of action for implementing the terms of the Agreement.
3. A Forest may withdraw from participation in this Agreement and associated MOUs by providing 30 calendar days notice to the appropriate SHPOs and Region. The Forest shall comply with 36 CFR 800.4-800.6 with regard to individual undertakings that would otherwise be covered by this Agreement.

VII. RELATIONSHIP TO OTHER AGREEMENTS

This Agreement is limited in scope to Forest Service rangeland management activities and is entered into solely for that purpose and does not affect in any way the positions taken by the Forest Service and Council regarding the proper implementation of the Forest Service's responsibilities for other undertakings under Section 106 or related historic preservation or other environmental review statutes or regulations.

Execution of this Agreement and implementation of its terms evidences that the Forest Service has afforded the Council a reasonable opportunity to examine and share their views on how it manages historic properties. Execution of this Agreement and implementation of its terms also evidences that the Forest Service has satisfied its Section 106 responsibilities for individual term grazing permits and rangeland management activities covered by this Agreement.

USDA FOREST SERVICE

By:/s/David M. Unger

Date: 6/19/95

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:/s/Robert B. Bush

Date: 6/26/95

PROGRAMMATIC AGREEMENT

ATTACHMENT 1

DEFINITIONS

Unless otherwise defined below, all terms used in this Agreement are used in accordance with 36 CFR Part 800.2.

"Heritage Resources" are objects and places used or modified by humans, and for which there is physical evidence of that use, or contemporary cultural value ascribed to those objects and places. Heritage resources are generally greater than 50 years old, and include sites, structures, buildings, districts, and objects associated with, or representative of, people, cultures, and human activities and events. For the purposes of this PA, the term heritage resource means any property as defined above, whether previously evaluated or not yet evaluated for listing or eligibility for listing in the National Register of Historic Places (NRHP). Heritage resources include, but are not limited to, historic properties, as defined in 36 CFR 800.2(e).

"Accessible range - Livestock". Land within an allotment that is readily accessible to livestock grazing.

"Unaccessible range - Livestock". Land within an allotment that is not accessible to livestock grazing.

"Management Measures" are specific activities or procedures, or series of procedures, designed to protect, manage, or treat heritage resources or historic properties.

"Waived lands" are lands administered under Term Private Land Grazing Permits, described at FSH 2209.13 (11.13 and 15.3). These privately held lands are used in conjunction with national forest lands for grazing, included in term grazing permits. Rangeland management activities on waived lands are administered by a National Forest responsible for issuing a term grazing permit. Administrative authority for rangeland management activities on waived lands is accepted by the federal government through a waiver by the permittee, who owns or controls the private land.

PROGRAMMATIC AGREEMENT
ATTACHMENT 2

CRITERIA AND STANDARDS FOR
INDEPENDENT HERITAGE RESOURCE MANAGEMENT
ON GRAZING ALLOTMENTS

The following pages describe criteria and standards for heritage resource survey and inventory, evaluation criteria, and protective measures. When these criteria and standards are applied on grazing allotment areas by qualified Forest Service HRSSs, review of the methods or results of heritage resources studies by SHPOs or Council is unnecessary, as long as the conditions for independent management established in this attachment are met.

I. CONSULTATION WITH INTERESTED PARTIES

Consultation with interested parties, including appropriate Indian Tribes or Native American groups, to identify heritage resource concerns and potential traditional cultural properties must be conducted as an aspect of the inventory. Such parties should be identified during the assessment of program needs and planning approaches. Consultation may occur on a forest-wide level, but sufficient information must be provided interested persons regarding the geographic areas and nature of individual grazing allotments that interested persons can identify specific locations of concern that may be affected by range management.

II. INVENTORY CRITERIA AND STANDARDS

A. AREA OF POTENTIAL EFFECTS

The Area of Potential Effects (APE) for rangeland management activities, including issuance of term grazing permits, shall be allotment boundaries. The following stipulations describe standards for focusing heritage resource management activities on specific areas within those APEs.

B. REVIEW OF EXISTING INFORMATION

Forest heritage resource records and documentation should be examined in determining the inventory needs and methods appropriate for grazing allotments. Allotment-specific reviews of existing Forest information must be accomplished prior to field survey, following the Secretary of Interior's Guidelines for Identification, Forest Service Manual 2361, and guidelines promulgated by appropriate SHPOs. Existing information should be used to determine the types of heritage resources that may be expected. These expectations will be used to develop inventory strategies for areas of low grazing use.

C. ACCESSIBLE RANGE INVENTORY REQUIREMENTS

The HRS shall contact Forest and District Range staff to define and areas of concentrated and low grazing use within the area of potential effects.

1. Survey Requirements for Areas of Concentrated Grazing Use.

Areas of concentrated grazing use shall be surveyed and inventoried under the direct supervision of professionals in

closely spaced survey intervals of 30 meters or less. If areas within accessible range have been excluded from cattle use by improvements (e.g., fencing), inventory will not be necessary within those areas of exclusion, although field survey of such areas is encouraged to advance the Forests' compliance with Section 110(a).

2. Survey Requirements for Areas of Low Grazing Use.
Areas of low grazing use may receive less intensive survey in general, although specific locations should be subject to intensive field examination, such as frequently used stock trails and driveways.

Potential forage areas of low grazing use may be subject to reconnaissance survey using methods appropriate to the type of expected resources. Reconnaissance may include overlooks and windshield surveys to search for standing structures, examination of outcrops in regions known to contain rock art, and sample survey of pockets of lands judged by the HRS from regional experience to be likely to contain heritage resources.

Inventory strategies must include the inspection of recorded heritage resources for which inventory records indicate grazing damage, or for which grazing damage is judged to be likely.

D. INACCESSIBLE RANGE INVENTORY STANDARDS

Inaccessible rangeland should be excluded from inventory early in the prescribed inventory area delineation process. However, there may be small pockets of land within areas of concentrated and low grazing use that are not mapped or identifiable during planning activities, but which are encountered during a field survey. Field survey may be appropriate in selected range areas if information (e.g., records and literature examination, personal knowledge) reveals heritage resource concerns.

E. HERITAGE RESOURCE RECORDING STANDARDS

All heritage resources encountered during field surveys must be recorded to contemporary professional standards using Forest Service guidelines and SHPO requirements, if any. Heritage resource records for sites revisited for the purpose of inspection for grazing damage should be assessed for adequacy by contemporary standards, and revisions or supplements prepared to upgrade those records, as appropriate. Heritage resource records should provide detailed observations regarding the nature and extent of any observable grazing impacts, and compare current evidence of damage with former observations, if any.

III. PROTECTION AND EVALUATION STANDARDS

NRHP evaluation of heritage resources is mandated under the terms of this planning option, when damage or potential for damage is noted and cannot be eliminated through standard protection measures. Therefore, the identification of impacts and assessment of the potential for protection are planning activities that precede mandatory NRHP evaluation.

A. IDENTIFYING IMPACTS

Heritage resources for which impacts and the potential for impacts were observed during field survey, or at resources which were revisited on the basis of records examination and field checks, must be identified and described as precisely as possible for the purposes of determining appropriate management directions. Evidence of grazing damage must be such that physical alteration of the land surface is observed. Evidence that livestock have visited the area, by itself, is insufficient to prompt resource evaluation. Some Regions have developed measures for livestock use, and the HRS should consult with Forest range staff to determine whether evidence of use indicates a high potential for damage.

B. PROTECTION OF HERITAGE RESOURCES

1. Assessing the Potential for Applying Standard Protective Measures
The potential for applying standard prescribed protective measures to eliminate or protect heritage resources from grazing damage or potential grazing damage shall be considered. When damage or the potential for damage is identified, HRSs, in consultation with appropriate Forest staff, shall determine if standard protective measures are economically feasible, practical, and likely to be effective in resource protection. If HRSs determine that the nature and scope of the impact or potential impact is such that standard protective measures can be applied to ensure that the values (or potential values) of heritage resources are not further affected in any way, then those heritage resources may be managed and maintained in a manner which ensures that their values are preserved, and NRHP evaluation is not required, as described in Section III.C of this Attachment 2.

2. Standard Protective Measures

Standard protective measures include:

- a. fencing or enclosure of livestock from the heritage resource sufficient to ensure long-term protection, according to the following specifications:
 - i. the area within the enclosure must be inventoried to locate and record heritage resources;
 - ii. the enclosure (i.e., fence) must not divide a heritage resource so that a portion is outside of the fence;
 - iii. a 10 meter buffer zone must be provided between the heritage resource and its enclosing fence; and
- b. relocation of livestock management facilities at a distance from heritage resources sufficient to ensure their protection from concentrated grazing use; and
- c. removal of the area(s) containing heritage resources from the allotment.

Monitoring the effectiveness of these standard measures may be necessary to ensure long-term resource protection. Monitoring efforts must be reported in Forest Annual Reports (Stipulation IV.B.1 of this Agreement).

C. HERITAGE RESOURCE EVALUATION

1. Mandatory Evaluation

- a. Mandatory NRHP evaluation shall be limited to heritage resources that evidence physical damage from rangeland

activities, and cannot or will not be protected from ongoing and future rangeland impacts through the application of standard protection measures.

- b. If HRSSs, in consultation with the Forest range staff, determine that protective measures are not economically feasible or practical, or are unlikely to be effective, the Forest shall collect information sufficient to apply the NRHP criteria of evaluation to heritage resources subject to grazing damage. Evaluation shall be conducted in a manner consistent with the "Secretary of Interior's Standards and Guidelines for Evaluation" (48 Federal Register 190:44729-44738), 36 CFR Part 63, and "How to Apply the National Register Criteria for Evaluation" (National Register Bulletin 15).
- c. Forests shall consult with SHPOs in applying the NRHP criteria, pursuant to 36 CFR Part 800.4(c) under the SHPO review time limits specified in Stipulation IV.A.1 of this Agreement. Heritage resources determined to be NRHP eligible (historic properties) will be subject to further management consideration and consultation, as described below.

2. Deferred Evaluation

For the purposes of this planning option, NRHP evaluation of heritage resources can be deferred to a later date for heritage resources:

- a. that do not evidence physical damage or a reasonable potential for physical damage from grazing or range management activities;
- b. when standard protection measures can be applied to ensure that the values or potential values of the heritage resource can be preserved; or
- c. when effects are ambiguous and monitoring standards are prescribed. Effects, or the nature of effects, may often be unknown or ambiguous given the history of past land use and nature of heritage resources. If effects are ambiguous, then limited-term monitoring may be employed, using monitoring standards outlined in Section III,D of this Attachment 2, to determine the nature of effects and need for evaluation and further management consideration.

Deferral of NRHP evaluation for the purposes of term grazing permit issuance does not relieve the Forest of its responsibilities for evaluation under Section 110(a)(2), or Section 106 for other undertakings.

D. MONITORING STANDARDS

The following standards shall guide monitoring of heritage resources to determine if suspected physical damage to a heritage resource is ongoing, or to determine the nature of damage when physical impacts are noted but their source or extent is ambiguous.

1. Monitoring

Monitoring should be incorporated into existing monitoring for forest plans and project level activities.

2. Regularity and Timing
Monitoring must occur on a regular schedule, in intervals of sufficient frequency to ensure that the source of damage can be accurately identified, but also long enough to provide realistic opportunities for agents of damage to occur. The timing of monitoring activities should also be established to afford HRSS or their agents opportunities to observe the source and extent of damage as close to the likely period of damage as possible.
3. Consistency
Observations regarding damage or potential damage must be consistent to be interpretable. Consistency can be provided through the use of the same personnel, if there is sufficient stability in staff, or through visual media, or both. The use of consultants for monitoring is acceptable if the contracted scope of work specifies that heritage resources will be monitored for the duration of the observation period for the purposes of this Agreement. Visual media (photographs, videotape) can be effective monitoring tools, but consistency is important to ensure comparability. Photographic formats and procedures should be standard (media type, lens type, recording positions or photo stations), and general environmental conditions should be considered (ground surface conditions such as vegetation cover, illumination).
4. Relevance
Observations made during monitoring should be specific to the types and locations of noted damage. In other words, observations on general surface conditions may not be sufficient to monitor damage. Specific damage or suspected damage locations should be noted and repeatedly observed for changes.
5. Reporting
The methods and results of monitoring should be recorded in monitoring reports or forms. Regions and Forests may have standard monitoring forms, and such forms or form entries should be completed for each monitoring episode. The final monitoring report should include a conclusion regarding the nature of damage and recommendation for additional management consideration, consistent with the terms of this Agreement.
6. Duration
The duration of monitoring under prescribed standards should be established on the basis of need and circumstance (e.g., livestock rotation, sensitive seasons) but shall not exceed three years under the terms of this Agreement. Extended monitoring may be established as the condition of a treatment plan, permit condition, or result from consultation under other Options selected under this Agreement.

IV. CONSIDERING EFFECTS

If heritage resources cannot be protected by the application of prescribed protective measures described in Section III.B.2 of this Attachment 2, and are determined to be historic properties pursuant to Section III.C.1, the Forests shall apply the criteria of adverse effect found at 36 CFR Part

800.9 and consult with the SHPO and interested parties, to develop treatment plans that avoid or reduce adverse effects.

A. TREATMENTS

1. Development of Treatments
Forests shall consult with the SHPO to develop treatments to avoid or reduce the adverse effects of rangeland management activities on historic properties. Review of Treatments by the SHPO shall follow Stipulation IV.A.1(b) (iii) of this Agreement.
2. Treatment Measures
Treatment Plans may involve a variety of protective and treatment measures that include:
 - a. rest/rotation
 - b. reduced or scheduled grazing season
 - c. protective barriers or repelling devices
 - d. data recovery at archaeological sites
 - e. experimentation or (continued) monitoring to evaluate nature of ongoing effects
3. Unknown Effects
If there appear to be ongoing effects to historic properties resulting from rangeland use, but the nature of those effects cannot be ascertained from information gathered during evaluation, then treatments may propose the study of such effects over a period of time specified in the treatments.
4. Monitoring
Monitoring the effectiveness of treatment measures may be necessary to ensure long-term resource protection. Monitoring efforts must be incorporated into treatments where appropriate, and be consistent with the standards described in Section III.D of this Attachment 2, and reported in Forest Annual Reports (Stipulation IV.B.1 of this Agreement).
5. Forest Planning
Where Treatment Plans are developed to study and address the long-term effects of rangeland use on historic properties, those Treatment Plans should integrate with, and take into account, other Forest planning efforts. Such integration should include, as appropriate:
 - a. amendment or revision of Forest Land and Resource Management Plans (FLRMPs) and their Standards and Guidelines (S&Gs) pursuant to the provisions of the NFMA and its implementing regulations found at 36 CFR 219;
 - b. procedures to integrate heritage resource planning and treatment with the requirements and scheduling of NEPA described at 40 CFR 1500-1508.
 - c. the production of heritage resource plans that examine the contexts, relationships, and significance of heritage resources on a landscape or ecosystem basis, consistent with the Secretary of the Interior's Standards for Preservation Planning;
 - d. incorporation for heritage resources data into Geographic Information System or other land management databases to facilitate efficient future management.

PROGRAMMATIC AGREEMENT
ATTACHMENT 3

GUIDANCE FOR THE DEVELOPMENT OF
MEMORANDA OF UNDERSTANDING (MOUs)

I. OBJECTIVES

MOUs should provide a process for heritage resource management that is tailored to the needs and conditions of each Region and associated states, within the parameters established in this Agreement. MOUs should offer significant administrative and procedural advantages over the process described at 36 CFR Part 800.4--800.6. MOUs should:

- (1) provide a process of inventory, evaluation, monitoring, and management that is tailored to the nature of rangeland management activities;
- (2) expedite SHPO review; and
- (3) integrate heritage resource management with the consideration of natural resources within the context of other authorities (NEPA, NFMA, Ecosystem Management directions, Section 110).

II. MOU DEVELOPMENT PROCEDURES

Regions and Forests that determine that their interests will be served by MOU(s) shall prepare MOU(s) within a time frame that is responsive to scheduling needs of rangeland management activities.

The development of a single MOU is encouraged for each Region and all of the appropriate states within its administrative jurisdiction. If a single MOU and associated procedures does not meet the needs of all SHPOs associated with a Region or Forest, more than one MOU may be developed to address the divergent needs of specific states. The process of MOU review is described in Stipulation IV.A.2 of this Agreement.

III. MOU CONTENTS AND REQUIREMENTS

A. STRUCTURAL FLEXIBILITY

MOUs are intended to accommodate variability in Regional and Forest programs, and the varying procedures, standards, and requirements promoted by SHPOs. Therefore, MOUs may provide general procedural guidance regarding review processes and documentation standards or they can describe specific procedures that shall apply to all Forests participating in the MOU.

1. MOUs developed by Regions and Forests must, at a minimum, conform to the requirements and address the topics specified below. In developing MOUs, the Forest Service shall take into account the applicable requirements of the American Indian Religious Freedom Act, 42 U.S.C. 1996 (AIRFA), the Archeological Resources Protection Act, 16 U.S.C. 470aa (ARPA), and the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-13 (NAGPRA).

2. PUBLIC PARTICIPATION

The Forest Service shall seek and consider the views of the public in developing MOUs and carrying out actions in accordance with Stipulation III of this Agreement. MOUs shall further describe the methods or process of public participation in the identification and management of affected heritage resources.

B. FOREST PLANNING AND ECOSYSTEM ANALYSIS

1. Ecosystem Analysis

Many Regions and Forests are conducting ecosystem analyses to provide information on, and enhance understanding of, the physical, biological, social, or economic aspects and interactions of an ecosystem. Regions and Forests may incorporate the concept and findings of ecosystem analysis in MOUs.

Landscape-level analyses consistent with the Secretary of Interior's Standards for Preservation Planning should, when appropriate, consider heritage resources within historic contexts that define the importance of different property types, and may allow Forests to establish priorities and criteria for inventory and evaluation that result in more efficient heritage resource management activities.

2. Forest Planning and NEPA Integration

Forest Service guidance emphasizes the assessment of Allotment Management Plans (AMPs) for conformance with Forest Land and Resource Management Plans (FLRMPs). MOUs must be consistent with FLRMPs and should include procedures that ensure the timely provision of information on heritage resources for the preparation of NEPA documents. Heritage resource management activities may be timed to meet the scheduling needs of AMP preparation, rather than the date of term grazing permit issuance, as long as one of the planning options described in this Agreement is selected and completed prior to permit issuance.

C. IDENTIFYING HERITAGE RESOURCES

1. Standards

The National Forests shall make a reasonable and good faith effort to identify historic properties on National Forest System and waived lands subject to rangeland management activities. Identification efforts shall be consistent with the Section 110 Guidelines (ACHP and NPS, November 1989), the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716, September 29, 1983), and applicable USFS standards.

2. Required Elements

MOU standards must contain elements that discuss planning, define criteria for the delineation of APEs and inventory areas, archival research, field survey, reporting, and integration of identification results. MOU standards may be established and applied on a region-wide basis, for subregions, or defined for and by specific National Forests, as individual needs and circumstances warrant. MOUs and related planning documents may incorporate and further refine standards for defining inventory areas described in Attachment 3.

MOU standards for identification must address the examination of existing heritage resource inventory data. This may result in the disclosure not only of known resources, but also accurate predictions regarding resource types that are likely to occur within grazing allotments. MOU standards may include a process by which identification efforts are focused on a limited range of heritage resource types. Ecosystem or landscape analyses of heritage resource data and patterning may result in the development of special procedures for inventory, and substantially affect the scope and methods of inventory, in some cases supporting little or no additional field survey when there is little or no potential for important heritage resources to occur within grazing allotments. Special procedures must be based on a thoughtful, professional consideration of heritage resources and rangeland management information. The types and patterning of heritage resources, environmental or ecosystem characteristics, and the potential for physical damage to different types of heritage resources, are key considerations in developing special procedures. These planning activities should result in the development of research designs and work strategies for identification. Field survey standards may include prescriptions regarding the types of range or landforms that will be examined, and the manner in which they will be examined.

MOUs may also specify state standards based on State Historic Preservation Plans or historic preservation planning elements developed or accepted by the SHPO.

D. EVALUATION

1. Standards

MOUs must address the evaluation of heritage resources, and may use the criteria established for the prescribed standards (Attachment 3), refine or modify those standards, or develop entirely new standards in consultation with the SHPO. If Regions or Forests elect to develop special criteria or procedures for evaluation, such criteria must include the heritage resource values encompassed by the NRHP criteria found at 36 CFR 60.4 and afford the same level of consideration of heritage resource values. Alternative evaluation criteria and procedures may be more sensitive to the full range of values and administrative needs of the Forest Service than those provided at 36 CFR 60.4.

E. MANAGEMENT

1. Standards

MOUs must describe the manner in which effects to heritage resources will be identified and considered, consistent with the criteria of adverse effect found at 36 CFR Part 800.9(b). Management of heritage resources and historic properties should be consistent with Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines, with particular reference to the Secretary of Interior's Standards for Historic Preservation Projects.

2. Ambiguous Effects

MOUs may address the management of heritage resources for which the nature of effects from continued grazing is ambiguous or unknown, and which requires extended study. The MOUs may describe processes or procedures for the determination of such effects. Such procedures may include deferred management activities for certain resource classes for which effects are ambiguous, and examination (e.g., monitoring, experimentation) of a sample of such resources to determine the nature of the effects of continued grazing.

3. Documentation

MOUs must include a description of the types of documents appropriate for meeting the terms of this Agreement and planning needs and standards of the Regions, Forests, and SHPOs. Documentation shall meet the Secretary of Interior's Standards for Historical Documentation in appropriate disciplines, as determined by the types of studies performed, and types of heritage resources identified within APES for term grazing permits.

Supplemental documentation requirements may be provided in State Historic Preservation Plans, SHPO guidance, Regional and Forest standards, and historic preservation plans developed for Forests, sub-regions, or Regions. Such supplemental documentation requirements should be cited in MOUs.

MOUs may propose combining report types and information for the purposes of expeditious documentation and review, as long as the requirements of this Agreement, and MOU procedures developed pursuant to this Agreement, are met.

F. CONSULTATION

Unless specific review time frames between SHPOs and Regions or Forests are negotiated under the terms of MOUs, consultation shall be guided by Stipulation IV of this Agreement.

G. FOREST PLANNING AND FOREST/SHPO COORDINATION

1. Forest Planning under the NEPA

Procedures established in MOUs should ensure the timely provision of information for compliance with NEPA and coordination between heritage resources and other Forest staff responsible for the preparation of NEPA documents.

2. Forest Planning under the NFMA

MOUs may include a description of the process by which the Forests will integrate the procedures and standards developed in the MOU into Forest Land and Resource Management Plans (FLRMPs), and make any necessary additions to existing S&Gs, Management Prescriptions, or other Forest-wide planning tools based on implementation of this Agreement during the revision or amendment of the FLRMP.

APPENDIX B

REGION 5 MEMORANDUM OF UNDERSTANDING DEFINITIONS

Definitions used in this MOU follow those found in 36 CFR 800.2. In addition, the definitions presented below apply to this MOU.

- A. **"Suitable range and use areas"** are defined as those areas which are accessible to livestock, produce forage, or have inherent forage-producing capabilities. Included in this definition are range improvements and facilities for the management and husbandry of livestock.
1. **"Concentrated use areas"** are those areas which receive concentrated use from livestock grazing activities, where use is intense enough to cause possible degradation of the environment and/or heritage resources through erosion, compaction, or trampling. Concentrated use areas include, but are not limited to, seeps, springs, and other watering areas and riparian zones; wallows and bedding areas; areas of concentrated foraging, such as ecotones between grasslands and brushlands or between meadows and timber stands, particularly where shade may be available; knolls where breezes may be available; range developments, such as troughs, corrals, fencelines, and feeding or salt lick locations; livestock trails and driveways; and other areas that may be identified by range conservationists or based on field observation. Areas of concentrated use may be identified by presence of livestock for long or repeated periods of time, noticeable trampling of vegetation or soil, numerous hoof prints, large amounts of excrement, and lack of or worn out vegetation.
 2. **"Moderate Use Areas"** are areas of suitable grazing use that do not fall into the concentrated use area definition and that do show evidence of grazing use.
 3. **"Low Use Areas"** are areas of suitable use that show no evidence of livestock use or areas of unsuitable livestock use.
- B. **"Heritage Resources"** are objects and places used or modified by humans. Heritage resources include objects, sites, structures, buildings, districts, and cultural landscapes generally greater than 50 years old and associated with, or representative of, peoples, cultures, and human activities and events. For the purposes of this MOU, heritage resources are properties as defined above, whether previously evaluated or not yet evaluated to determine eligibility for the NRHP.
1. **"Sensitive"** heritage resources, or more specifically heritage resources with high sensitivity, are objects and places with unique or rare occurrence; high densities; unusual environmental conditions; high research value; unusual or exceptional materials and/or composition; fragile artifacts and materials (e.g., shell, bone, wood, fiber, pigment) subject to erosion or decomposition; hallowed, revered, or emotional cultural value; and/or other characteristics which are easily affected by external influences.

2. "Resources of interest" are classes of heritage resources that, by virtue of their class, have a reasonable potential to be affected by rangeland management activities.
- C. "Heritage Resource Emphasis Zones" (HREZ) are geographic areas, based on existing heritage information, that encompass historic or prehistoric activities or historic contexts. HREZs define areas within which known or expected types of heritage resources occur.
- D. "Treatment measures" mean specific standards, procedures, or series of procedures to protect, manage, or treat heritage resources or historic properties in order to alleviate degrading or adverse effects.

APPENDIX C

REGION 5 MEMORANDUM OF UNDERSTANDING GUIDELINES

I. Planning Guidelines

- A. Forests are encouraged to use planning processes that ensure incorporation of heritage resource information into preparation of National Environmental Policy Act (NEPA) documents.
- B. Forests are encouraged to integrate MOU implementation with ongoing use, refinement, and amendment of Land and Resource Management Plans (LMP) and associated Standards and Guidelines (S&G) mandated under the National Forest Management Act (NFMA).
- C. Forests are encouraged to use comprehensive, landscape-level perspectives in development of historic contexts and identification and management of heritage resources within grazing allotments. Ecosystem management principles, such as the cultural ecology principles of Region 5's Sustaining Ecosystems: A Conceptual Framework (Manley, et al. 1995), provide appropriate bases for such planning. Comprehensive, landscape-level analyses can be helpful in delineating geographically defined Heritage Resource Emphasis Zones (HREZs), historic contexts, sensitivity areas, or predictive models that identify types of heritage resources likely to occur within grazing allotments.

II. Grazing-Heritage Strategy Guidelines

- A. Grazing-Heritage Strategies provide an agreed upon explicit set of guidelines for planning, identifying, evaluating, monitoring, treating, and otherwise managing heritage resources within grazing allotments so that case-by-case consultation with SHPO is unnecessary unless unusual circumstances apply.
- B. Grazing-Heritage Strategies provide processes for specific and efficient scopes of inventory through consideration of heritage resource types and patterns. They describe the circumstances under which heritage resource evaluation is necessary, and special methods and criteria for evaluation; and they describe how important heritage resources will be managed to reduce or avoid adverse effects resulting from rangeland management activities.
- C. Strategies may be developed using several approaches. Examples include research designs for sampling and evaluation, utilization and effects analyses for sampling and evaluation, sensitivity modeling, delineation of geographic areas that define historic contexts and associated resources (e.g., HREZs and resources of interest), or EM perspectives such as the cultural ecology key element methods of Region 5's Sustaining Ecosystems: A Conceptual Framework (Manley, et al. 1995).
- D. Grazing-Heritage Strategies need not be completely original documents, but may refine and build upon existing standards and procedures, such as the independent Forest management prescribed standards presented in the PA (Appendix A, Stipulation II.B and Attachment 2), standards and

procedures existing in other executed Programmatic Agreements that apply to range management activities, or existing LMP S&Gs. Variation among Grazing-Heritage Strategies is appropriate to accommodate different heritage resource types and circumstances, varying range programs, as well as different perspectives regarding heritage resource management priorities.

- E. Certain key elements should be common to all Grazing-Heritage Strategies. Elements other than those listed here may be included in Grazing-Heritage Strategies.
1. Identification of allotments and permits covered by the plan. Simple lists of pertinent data (e.g., allotment name, permits, permit date, acreage) should be sufficient.
 2. Overview of environments, prehistory, and history, including ethnography. Brief descriptions based on existing data and analyses and references to existing documents are adequate.
 3. Prefield research methods. Examining existing data about known properties helps support the proposed inventory strategy; prefield research may reveal that additional inventory is unnecessary. Prefield research may be limited to an examination of historical and archaeological site records, maps, and files, and need not include exhaustive primary historical research.
 4. Public participation and Native American consultation procedures. Consultation may occur on a Forest-wide level, but sufficient information must be provided about geographic areas affected and nature of rangeland undertakings to allow identification of specific areas of concern. Procedures for protecting sensitive data should be addressed.
 5. Statement of expectations. Base this on the overview, prefield research, and public consultation results. List types of heritage resources expected within various contexts, HREZs, environmental zones, areas, or whatever strata are defined within the strategy.
 6. Descriptions of inventory criteria, including area selection procedures, survey methods, and resources of interest. See Appendix D for examples of allotment inventory strategies.
 7. Evaluation standards. Grazing-Heritage Strategies may use the guidelines listed in this Appendix, clause IV, the predefined criteria for evaluation described under Option 2 of the PA (see Appendix A, Stipulation II.B and Attachment 2), or develop their own criteria.
 8. Damage assessment. Describe processes for impact and damage assessment. Strategies should specify criteria or thresholds for damage that prompt further action, and/or describe processes for determining when sites have been damaged or are experiencing ongoing damage. Such processes may involve consultation with specialists in range, soils, or other biophysical functions.
 9. Treatment measures. Grazing-Heritage Strategies may use the standard resource treatment measures identified in this Appendix, clause V, or Protective Management Measures presented in the

national PA (Appendix A, Stipulation II.B and Attachment 2), or may develop their own criteria.

10. Monitoring. Monitoring and assessment to determine nature and extent of grazing damage to heritage resources, and effectiveness of treatment measures, may be warranted and should be described in Grazing-Heritage Strategies. The monitoring standards described in this Appendix, clause VI, or in the monitoring standards of the national PA (Appendix A, Stipulation II.B and Attachment 2), may be used, or other monitoring standards may be developed for Strategies.

- F. Grazing-Heritage Strategies are developed by individual Forests, or by groups of Forests or Forest provinces that share similarities in types of environments, heritage resources, and/or management needs.

III. Inventory Guidelines

- A. Inventory strategies shall be developed by heritage resource specialists that meet the professional qualifications criteria of MOU Stipulation XI. Heritage resource specialists should consult with range, watershed, soils, wildlife, and other specialists, as needed, to prioritize and schedule inventory that meets heritage, range, and long term ecosystem management needs.
- B. Survey strategies shall address stratification of the inventory universe, survey intensities for the various strata, sampling techniques, scheduling, etc.
- C. Forests have considerable flexibility to develop inventory strategies that meet both short and long term resource and program needs. It is expected that inventory strategies will vary depending on site sensitivity, grazing use, environmental conditions, short and long term program needs, and other criteria. Inventory strategies should be designed to provide the baseline data essential to developing evaluation, treatment, and monitoring strategies. With this in mind, the following general regional guidelines for inventory are offered:

<u>Grazing Use</u>	<u>Site Sensitivity</u>		
	High	Moderate	Low
Concentrated	coverage to find all sites; intensive survey; statistically valid predictive model	sample based on professional judgement	spot check based on professional judgement
Moderate	sample based on professional judgement	sample based on professional judgement	spot check based on professional judgement.
Low	spot check based on professional judgement	spot check based on professional judgement	minimal spot check based on professional judgement; no survey

- D. The potential for damage to heritage resources is an appropriate criterion for determining the type and extent of heritage resources inventory necessary. This criterion specifically must consider effects to the qualities that can make heritage resources eligible to the NRHP or qualities that make them important for other management purposes (e.g., interpretation or public education). However, if grazing does not have the potential to affect certain classes of heritage resources (e.g., mine tailings or isolated bedrock milling features), then the inventory effort need not be structured to identify such resources.
- E. The nature and intensity of historical land use, specifically grazing, are other criteria that can be used to define inventory strategies. Certain land use patterns may have a strong likelihood of damaging resources of interest, others may preclude reasonable possibility of additional or continued damage to some classes of heritage resources. If a logical and defensible case can be made that additional degrading damage to heritage resources is unlikely, then inventory, evaluation and further management consideration of those resources is unnecessary, even if grazing impacts to the ground surface are evident.

IV. Evaluation Guidelines

- A. Evaluation strategies shall be designed and implemented by heritage resource specialists that meet the professional qualifications criteria of MOU Stipulation XI.
- B. Grazing-Heritage Strategies may eliminate formal, property-specific NRHP eligibility review by the SHPO if Forests develop alternative criteria and/or review processes and they are accepted by SHPO.
- C. Alternative evaluation standards, developed in consultation with the SHPO and described in Grazing-Heritage Strategies, must be at least as comprehensive and measure the same types of cultural values as the NRHP criteria found at 36 CFR 60.4, although such evaluation standards may consider a wider range of values (e.g., interpretive or environmental education values). Such standards may be more specific, for example, identifying the values relevant to regional research designs. Other alternatives are the evaluation of resources by type or class, or the assignment of cultural value to determine desired condition and use of heritage resources, consistent with EM perspectives.
- D. If grazing damage is noted at heritage resources, then sufficient information should be collected during field inventory to classify the types of resources discovered. If such ascriptions cannot be made on the basis of surface observations, then expedient subsurface examination techniques may be considered for archaeological resources evidencing grazing damage.
- E. The following set of expedited evaluation standards may be used for sites with totally compromised integrity or with minimal information value that may be eligible solely under NRHP criterion d.
 - 1. Sites whose cultural deposits and characteristics have been completely compromised by past impacts may be determined "Not Eligible"; brief but thorough descriptions of specific impacts that have destroyed the sites (e.g., roads built through sites,

bulldozer blading of sites, razing of cabins, etc.) must be provided to justify determinations.

2. Sites with minimal or limited information potential under NRHP criterion d, and which are not eligible under any of the other NRHP criteria, may be determined "Not Eligible" if:
 - a. Research questions are identified that are pertinent to the area in which they are located or the site type they represent, but the information the sites may provide to those questions is limited or minimal, and those data are retrieved in site recording.
 - b. Subsurface testing via shovel probes (or augering, where appropriate) reveals no additional information potential, because subsurface deposits are lacking, or because subsurface deposits have been disturbed so that no integrity of context or information value remains.
- F. Grazing-Heritage Strategies may use programmatic approaches to heritage resource evaluation that have been developed by Forests, groups of Forests, provinces, or Region 5; these should be listed by reference or briefly described.
- G. Forests may elect to evaluate heritage resources that appear to qualify for programmatic treatment, such as lithic scatters, by applying the California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters (Jackson, et al. 1988). Forests of the Sierra Nevada may elect to apply similar programs for heritage resource treatment described in the Framework for Archaeological Research and Management for Forests of the North-Central Sierra Nevada (Jackson, et al. 1994). Qualifying resources shall be considered NRHP ineligible and need no further management consideration. These treatment plans have not been accepted by the Nevada SHPO, and would require consultation prior to use on sites in Nevada.

V. Treatment Guidelines

- A. All treatment measures shall be planned and implemented by heritage resource specialists that meet the professional qualifications criteria of MOU Stipulation XI.
- B. Grazing-Heritage Strategies may define treatment strategies other than those listed here or in the PA, but they must be accepted by SHPO prior to implementation.
- C. Grazing-Heritage Strategies may describe new and untested heritage resource protection measures. Untested treatment measures shall be agreed to by SHPO prior to their implementation.
- D. The following standard resource treatment measures shall be implemented, as appropriate, for all range undertakings managed under this MOU. When these protection measures are effectively applied, Forests will have taken into account the effects of undertakings on historic properties.

1. At a minimum, heritage resources shall be excluded from areas where activities associated with an undertaking will occur. All proposed activities, facilities, improvements, and disturbances shall avoid heritage resources. Avoidance means that no activities associated with an undertaking that may affect historic values, unless specifically identified in this MOU, shall occur within heritage resource boundaries, including any defined buffer zones. Portions of undertakings may need to be modified, redesigned, or eliminated to properly avoid heritage resources.
 - a. For historic properties eligible for the NRHP under 36 CFR 60.4(d), or those that may be important only for the information they contain, the physical demarcation of historic properties, and their exclusion from an undertaking's proposed activity areas is a minimum requirement.
 - b. Physical demarcation and avoidance during the implementation of an undertaking is also required for other historic properties eligible for the NRHP under other criteria. But minimum protection requirements shall also include the use of buffer zones to extend the protection area around historic properties where setting is an important attribute, and the proposed activity may have an affect on the setting's quality.
 - c. Linear sites may be crossed or bounded in areas where their features or characteristics clearly lack historic integrity, so that those portions, including any buffer zones related to setting, do not contribute to site eligibility or values.
2. All heritage resources within an APE shall be clearly delineated prior to implementing any associated activities that have the potential to affect historic properties.
 - a. heritage resource boundaries shall be delineated with coded flagging and/or other effective marking. Activities within property boundaries will be prohibited with the exception of using developed Forest transportation systems when such use is consistent with the terms and purposes of this agreement.
 - b. Historic property location and boundary marking information shall be conveyed to appropriate Forest Service administrators or employees responsible for implementation so that pertinent information can be incorporated into planning and implementation documents, and contracts and permits (via clauses or stipulations, as necessary).
3. Buffer zones may be established to ensure added protection. The use of buffer zones in conjunction with other avoidance measures is particularly applicable where setting contributes to the property's eligibility under 36 CFR 60.4, or where it may be an important attribute of some types of historic properties (e.g., historic buildings or structures; traditional or cultural properties important to Native Americans). The size of buffer zones needs to be determined on a case-by-case basis. Landscape architects may be consulted to determine appropriate viewsheds for historic resources. Knowledgeable Native Americans should be

consulted when the use or size of protective buffers for Native American traditional or cultural properties needs to be determined.

4. When any changes in proposed activities are necessary to avoid heritage resources (e.g., project modifications, redesign, or elimination; removing old or confusing project markings or engineering stakes within site boundaries; or revising maps or changing specifications), these changes shall be completed prior to initiating any activities.
5. Monitoring may be used to enhance the effectiveness of protection measures (Stipulation VII). The results of monitoring inspections shall be included in Annual Reports (Stipulation IX).

VI. Monitoring Guidelines

A. Monitoring for Standard Resource Treatment Measures

1. Most range undertakings that do not require treatment measures for protection of heritage resources will not be monitored. The following circumstances are exceptions where monitoring will be considered or undertaken.
 - a. When undertakings change during implementation because of unforeseen circumstances, and these changes then require adoption of standard resource treatment measures for previously identified heritage resources, monitoring shall be required if information is inadequate to determine whether these measures are appropriate. Monitoring might be appropriate if proposed activities are near some types of heritage resources, or if the effectiveness of identified protection measures is problematic. Monitoring may be necessary during and/or after these undertakings.
 - b. When historic properties are discovered during implementation of an undertaking, monitoring shall occur as early as possible to determine whether the newly discovered properties may be affected by proposed activities, and whether the use of standard resource treatment measures is appropriate.
2. When standard resource treatment measures have been prescribed but have not been followed, and activities have occurred that may have affected identified heritage resources, then monitoring is required during and/or after the undertaking.
 - a. If the undertaking has not been completed when notification has been received that prescribed protection measures have not been followed, then all activities in the immediate vicinity of the heritage resource shall be suspended until recommendation is made for appropriate measures that will protect the site. The need for additional consultation will also be determined before resumption of any suspended activities. If the property has not been affected, and standard resource treatment measures can be effectively employed for the remaining implementation period, then the undertaking may resume without further consultation. If

historic properties may have been affected, consultation will be initiated in accordance with MOU Stipulation V.B. The Annual Report shall describe all instances where standard resource treatment measures were prescribed but not fully implemented, and the measures taken to ensure protection of heritage resources.

- b. If the undertaking has been completed when notification is received that prescribed protection measures have not been followed, then a field inspection of the affected heritage resources will be initiated as soon as possible, and appropriate measures considered, pursuant to Stipulation V.B, if historic values have been diminished. The circumstances surrounding the Forest's failure to use prescribed protection measures will be described in the Annual Report.
3. When the use of standard resource treatment measures might not provide adequate protection to historic properties because of the nature, scope, frequency, and/or duration of certain types of recurrent undertakings, monitoring will be carried out to verify whether protection measures are adequate.

B. Monitoring for Ambiguous or Indeterminate Effects

1. Grazing has occurred on some National Forest System lands for a century or more. Degrading impacts (e.g., adverse effects to NRHP eligible properties) from past grazing activities may be obvious; however, it may be difficult to determine whether continued impacts will additionally degrade or adversely affect important heritage resources, based on existing information or information gathered during survey. Even test excavation of archaeological sites may not provide sufficient information to determine the extent of past grazing damage and the effects of continued grazing. Resources with ambiguous impacts may require extended study to determine whether continued grazing is or is not adversely affecting properties. Monitoring will be documented in Annual Reports.
2. If indeterminate or ambiguous effects to a class of resources are identified, it may not be necessary to study such effects on all resources of that class. In such instances, a sample of resources may be studied, and the results of those studies used to make determinations regarding the potential effects of grazing on other resources within that class in similar circumstances. If the need for such studies is identified and a sample of such resources is selected for study, then evaluation of all such sites may be deferred until the nature of effects is established. Deferrals will be documented in Annual Reports.

- C. The following matrix provides general guidelines for site monitoring. Monitoring guidelines may be based on heritage resource values (e.g., scientific value under NRHP criterion d, traditional cultural value under NRHP criterion a, architectural value under NRHP criterion c, or interpretive value) and grazing use, or on other pertinent variables. The details of specific variables such as site values, sample size, frequency of monitoring effort, etc., are to be addressed in Grazing-Heritage Strategies.

<u>Grazing Use</u>	<u>Site Values</u>		
	High	Moderate	Low
Concentrated	monitor sites regularly; protect damaged sites	monitor sample of sites based on professional judgement	infrequently monitor small sample based on professional judgement
Moderate	monitor sample of sites based on professional judgement	monitor sample of sites based on professional judgement	infrequently monitor small sample based on professional judgement
Low	monitor sample of sites based on professional judgement	infrequently monitor small sample based on professional judgement	very infrequent and small monitor sample based on professional judgement

VII. Long Term Management Guidelines

- A. Forests are encouraged to take an ecosystems management approach to long term management strategies. Over the next ten years--the life of this MOU--ecosystems management oriented strategies may include:
1. Contributing data, via the Heritage computerized database, to ecosystems management corporate databases being developed by R5 and integrated with other resource management databases in the Region. These data will contribute to an understanding of, and help provide a diachronic model for, the human dimension in ecosystems (see Manley, et al. 1995), and to an understanding of the effects of rangeland management activities.
 2. Using R5's Sustaining Ecosystems framework (Manley, et al. 1995) to focus research and data gathering efforts for heritage resource information that can contribute to an understanding of ecosystems management. This framework has identified cultural/social elements key to understanding ecosystems; it utilizes a cultural ecology approach, and highlights temporal and spatial data contributed from heritage resources and paleoenvironmental studies.
 3. Providing regularly reported data, via Annual Reports, from monitoring efforts that address effects of range management activities on heritage resources, so that long term management strategies may be developed and integrated into Grazing-Heritage Strategies to minimize loss of values and characteristics that contribute to NRHP eligibility and of other values (e.g., interpretive or educational) deemed important to management of Forest heritage resources.
 4. Encouraging further development of the Framework for Archaeological Research and Management (FARM) (Jackson, et al. 1993), to: a) incorporate heritage resource management activities

into the ecosystems management approach of R5's Sustaining Ecosystems (Manley, et al. 1995); b) expand the FARM to other classes of heritage resources (i.e., historic and traditional cultural properties, in addition to other types of archaeological properties) and to a broader array of R5's ecosystems (i.e., beyond the central Sierra Nevada); and c) address the effects of range management activities on classes of resources (resources of interest).

- B. It is recommended that Forests maintain balance in heritage resource management activities for the range program, looking at the long term management needs for both heritage and range resources. Over the 10 year life of the MOU, approximately 50% of heritage resource efforts might be focused on inventory, and approximately 50% on evaluation, treatment, and monitoring.
1. Considerable flexibility can be used to adjust strategy emphases among inventory, evaluation, treatment, and monitoring. For instance, inventory may be adjusted against evaluation standards to gain better understanding of long term treatment needs for sensitive heritage resources or to eliminate resources of minimal value from further management consideration.
 2. Inventory and monitoring may be higher in the early years of the MOU to gather baseline data; evaluation and treatment should be higher in the later years, to establish long term management strategies.

VIII. Annual Report Guidelines

At a minimum, Annual Reports shall include:

- A. Grazing-Heritage Strategies
1. Range Data
 - a. Brief description of range types and use areas
 - b. List of grazing allotments, with acreage
 - c. PA planning option selected for each allotment
 - d. Schedule for allotment coverage
 2. Background Data
 - a. Statement about overview materials available (does Forest have overview; if not, where are pertinent overview materials available?)
 - b. Prefield research methods to be generally employed
 - c. Methods for consultation with Native Americans and interested persons
 3. Inventory
 - a. Statement of expectations, prediction, or sensitivity criteria
 - b. Brief description or outline of alternative inventory strategies, and the conditions under which each will generally be used
 4. Foci of inventory and evaluation efforts, such as resources of interest

4. Evaluation
 - a. Significance evaluation strategy alternatives, including programmatic approaches, and the conditions for their use
 - b. Methods for documenting grazing impacts on heritage resources
5. Treatment and Monitoring
 - a. Treatment measures to protect or treat resources, and conditions or thresholds for application
 - b. Monitoring techniques, and conditions for application
6. Long Term Management
 - a. Strategies for watershed or landscape level inventory, and schedule
 - b. Strategies and schedule for evaluation geared to ecosystem needs
 - c. Strategies for long term management in relation to ecosystems
7. Other strategies pertinent to heritage resources activities in relation to range management
8. Schedule for accomplishing efforts

B. Results

1. List of all range projects undertaken for the Fiscal Year
 - a. Project names/descriptors (key to maps in appendices)
 - b. Project acreages
 - c. Summary descriptions of projects/APEs, grouped by project type, environment, location, or other similarities
2. Inventory
 - a. Acres inventoried, by inventory strategy and project name (key to maps in appendices)
 - b. Numbers of heritage resources inventoried, by site types and project name (key to maps and site forms in appendices);
 - c. Brief discussions of effectiveness of strategies, and reasoning for cases where methods were implemented other than those recommended in Grazing-Heritage Strategies
3. Evaluation
 - a. Numbers of resources evaluated, by NRHP or other identified criterion (key to maps and site forms in appendices)
 - b. Numbers of resources determined significant, by NRHP or other criterion (key to maps and site forms)
 - c. Numbers of resources determined not eligible (key to maps and site forms)
 - d. Summary discussions of evaluation results (may be grouped by site type, evaluation strategy, etc.)
4. Treatment
 - a. Numbers of sites protected from effects, by site type and treatment measure (key to maps and site forms)
 - b. Summary discussion of effectiveness of treatments
 - c. Brief discussion of cases where protection measures were not followed, and recommendations for correcting future breaches

5. Monitoring
 - a. Numbers of resources monitored for treatment measure effectiveness, by type of measure (key to maps and site forms)
 - b. Numbers of resources monitored for effects, by site type and effect (key to maps and site forms)
 - c. Brief discussion of effectiveness of monitoring methods, and recommendations for changes, if needed
 6. Summary of important information collected during the year's investigations which may serve to update, modify, or refine existing forest overviews, predictive models, historic contexts, or research considerations
 7. Identification of problems in implementing the provisions of the MOU, as well as recommendations which may serve to improve it
 8. Any other reportable activities related to rangeland management and heritage resources, including public outreach and participation
- C. Appendices (do not submit to Regional Office)
1. Project maps
 2. Survey maps
 3. Site forms that meet state standards: for California, submit site forms to appropriate Information Centers; for Nevada, submit site forms to SHPO

APPENDIX D

REGION 5 MEMORANDUM OF UNDERSTANDING INVENTORY STRATEGY EXAMPLES

The following are three examples of alternative allotment survey strategies, developed to meet varying needs, based on differing approaches, and grounded on different levels of available data. It is up to each Forest, group of Forests, or province to develop strategies, in consultation with SHPO, to meet allotment, range program, and heritage resource needs.

I. Strategy Where Some Heritage Resource Information Is Known and High Site Densities Are Expected

Inventory: Approximately 3000 acres of high use range land have been identified within this allotment (including all range improvements). To date, over 200+ prehistoric properties have been recorded within this area. The following schedule will be followed for this allotment.

1995:

1. Meet with Range Conservationist and Range Permittee to clearly identify areas of concentrated cattle use. Review all site records and related allotment documentation. If past recordation indicates "cattle damage", all multiconstituent sites will be revisited in 1996. For sparse lithic scatters, only 25% with noted "damage" will be revisited.
2. All range improvements will be surveyed. Standard treatment measures (Appendix A, Stipulation II.B and Attachment 2) will be applied. Any mandatory relocation of facilities will be amended to the Allotment Management Plan.

1996:

1. Revisit multiconstituent sites and small percentage of sparse lithic scatters. Complete "Archaeological Range Condition Report" for each site that is inspected. HRS will determine if standard treatment measures can be applied. If this is the case, NHRP evaluation is not required.
2. For properties defined as sparse lithic scatters, where a physical alteration of the land surface is observed, the California Archaeological Resource Identification and Data Acquisition Program for Sparse Lithic Scatters will be applied. These sites will be categorized by intensity of damage (high to low). Only those properties with "high" cattle damage, e.g., wallows, will be tested.
3. Approximately 700 acres of areas of concentrated grazing use will be inventoried. An analysis of the prehistoric land use patterns will be made following completion of this inventory. If a specific ecotype is absent of historic properties, no survey in these areas will be required in the future. All newly discovered properties will be recorded with detailed description of site impacts by cattle grazing. Standard treatment measures will be applied, if feasible. A site

specific monitoring plan will be formulated. All multiconstituent sites with significant cattle damage will be videotaped.

1997:

1. Continued inventory of high concentrated use areas. These areas would be limited to specific ecotypes where potential for discovery of properties is high. Acreage to be determined following 1996 survey.
2. Standard procedures as described above for evaluation of properties.
3. Continued monitoring of properties identified in 1996 inventory. Revision of Monitoring Plan may be needed to include newly discovered properties.
4. A site specific analysis of cattle damage (trampling, etc.) will be initiated.

II. Strategy Where Little Is Known about Heritage Resources

Introduction

The Allotment consists of 52,528 acres. Elevations range from approximately 8,000 feet ASL in the western portion of the allotment to approximately 10,000 feet ASL on the eastern boundary. This allotment has historically been considered ideal for cattle grazing since it predominately consists of wet meadows and long semiwet stringer meadows. These areas are interspersed with rocky outcrops of Sierran granite and stands of conifers.

The Forest proposes a statistically controlled sampling strategy for the Allotment. The design of the sample will be professionally sound and the work carried out to design standards. It may not provide sufficient data to locate all cultural resources within the project area but will: estimate archaeological sensitivity of the area; estimate inventory and mitigation costs; provide basis for project design and land management planning; provide estimates of the range of potential impacts covered under the 10 year project approval period; determine the most effective methods for investigating the area for cultural resources; and determine measures needed to lessen project impacts or mitigate effects when they prove to be unavoidable.

This strategy is most efficient for the Allotment for several reasons. Although it has been demonstrated that archaeological sites tend to be present around meadow margins, archaeological sensitivity around stringer meadows has not been investigated; the allotment contains several large "key" meadows and approximately 60 widely dispersed wet open meadows that are in inaccessible wilderness areas and must be reached with difficulty on horseback; and from the preliminary data gathered from the western portion of the allotment, there is reason to believe there might be a large number of archaeological sites in the allotment despite the high elevation of the project area. The archaeological inventory is taking place early in the planning stage and there are many options for project design that may be implemented in the Annual Operating Plan to lessen or alleviate effects to cultural resources.

History of Stock Utilization Levels on Allotment

In the late 1880s and early 1900s, this allotment was used as sheep range. In the early 1920s, stocking was changed to cattle, with the government land having an estimated grazing capacity of 1080, while the private land had a capacity of 195 head. The season was for 3.5 months. In 1928, the government capacity was reduced to 860 head with no change in private stocking. The season was also reduced to 3 months. The following year private stocking was increased to 200 head but with the shortened season, total animal months dropped to 600. In 1932, private stocking was reduced to 180 head while government was decreased to 830. Stocking remained at these respective levels until 1940 when the government rate was reduced to 637 head. There was no change in private stocking until 1943 when it was reduced to 10 head for a three month season. At the same time, government stocking was increased to 807, probably because of the increased demand for beef during the war years. There has been no private land grazing allowed since 1946. Since 1946, the rate of permitted stocking has remained fairly constant at 492 cattle and 90 head of packer stock.

Improvements

There are two corrals and three cow camps associated with this allotment. Approximately half of the allotment is in a wilderness area and construction of any improvements is strictly regulated. All of the existing improvements and cow camps will be inventoried for the presence of cultural properties. All salt block areas will also be inventoried.

High Utilization Areas

Total Allotment Acreage:	52,528
Suitable Allotment Acreage:	5,978

Of the 5,978 acres suitable for cattle grazing, they occur in two habitat types listed as follows:

Meadows	2,384 acres
Stringer Meadows	3,594 acres
Total:	5,978 acres

Meadows

A meadow is defined as "an opening in a forest, generally at higher elevations, that is exceptionally productive of herbaceous plants usually resulting from high soil water content, or a perched water table". Forest Range Conservationists have identified the following meadows as "key" meadows. These are the larger meadows where stock tends to congregate within the allotment. The cattle tend to "drift" through the smaller open meadows and stringer meadows. It is proposed that all "key" meadows be intensively surveyed for historic properties. It is also proposed that the remaining isolated meadows be mapped and a random selection of 50% of those small meadows be targeted for intensive survey. The final report would address relative site frequencies of isolated small meadows; versus those associated with larger "key" meadows or adjacent stringer meadows.

Identified Key Meadows

Meadow A	19 acres
Meadow B	70 acres
Meadow C	324 acres
Meadow D	290 acres
Meadow E	95 acres

Meadow F	53 acres
Meadow G	45 acres
Meadow H	14 acres

Stringer Meadows

There are 3,594 acres of stringer meadows on the allotment. This type appears intermediate between the true meadow and timber types since it contains species common to both. A Guide to Wildlife Habitats in California defines this habitat as follows: "Lodgepole pine overwhelmingly dominates the habitat. Occasional associates include aspen and mountain hemlock. The amount of understory is weakly correlated with overstory density. The understory may be virtually absent, consisting of scattered shrubs and herbs, or a rich herbaceous layer at meadow margins. Many lodgepole stands are associated with meadow edges and streams, where the understory consists of grasses, forbs, and sedges". The archaeological sensitivity of these meadow stringer areas is unknown. It is hypothesized that these areas will not have the same degree of archaeological sensitivity as the larger "key" meadows. It is proposed that stringer meadows be mapped and a random 25% sample be drawn and those areas intensively surveyed for the presence of cultural properties. The stringer meadows also are less intensively utilized by cattle than larger "key" meadow areas. These areas may only be moderately sensitive and have very few archaeological sites associated with their margins.

Previous Archaeological Inventories

Of the 52,528 acres in the allotment 4,094 acres had been previously surveyed for historic properties. The majority of this was accomplished using an intensive survey strategy and approximately 1 site for every 130 acres was found. This work was accomplished in heavily forested areas and did not target the more sensitive meadow margins.

Recorded Cultural Properties

Forty-six historic properties have been recorded within the boundaries of the Allotment:

Lithic Scatters	16
Bedrock Mortars	2
Lithic Scatter with Bedrock Mortars	13
Lithic Scatter w/BRMs and Midden	5
Lithic Scatter w/BRMs, Midden and Housepits	3
Historic Sites	7
Total:	46

Conclusions

The Forest proposes to use an intensive (transect spacing less than 15 meters) survey strategy for all existing or anticipated improvements on the allotment, as well as an intensive survey strategy of all "key" meadows and within 100 meters of their margins. A statistically controlled sample survey strategy may be appropriate for the small isolated meadows scattered through the allotment. The level of cattle useage and effects in these areas have not been investigated due to access problems. It is proposed that a 50% random sample of these meadows be undertaken to determine levels of archaeological sensitivity and effects of cattle grazing on those identified properties. Further consultation with the SHPO will determine if

this effort was adequate to meet 36 CFR 800 requirements in this specific project. It is also proposed that a 25% random sample of the more forested stringer meadows be undertaken to also determine levels of archaeological sensitivity and effects of cattle grazing on those properties.

III. Strategy Using FARM Approach, with Little Known about Heritage Resources

Compare this survey strategy for high elevation grazing allotments where heritage resources data are limited or unknown, that uses the resources of interest approach from the FARM, with Example II, above.

Defining the Area of Potential Impact

The Allotment consists of 52,528 acres, 5,978 of those acres are considered suitable. Within the suitable range 2,384 acres are meadows and 3,594 acres are stringer meadows. "Key" meadows (where stock tend to congregate) have been identified by the range conservationists and total 910 acres. Cattle are said to "drift" through the smaller meadows and stringer meadows, however, the nature and intensity of use are unclear. Improvements within the allotment include two corrals and three cow camps. Assumption is that the grazing patterns in this allotment are well established (i.e., cattle trails, areas of concentrated use, etc.), given the rate of permitted stocking has remained fairly constant since 1946.

Assessing Information Needs

It is important to know what classes of heritage resources may be affected by grazing activities in this allotment. These "resources of interest" will be the subject of identification efforts. To define resources of interest we must have some idea of the types of properties that occur within the allotment and the nature and degree of the potential impacts. This allotment falls within an "O-zone" Heritage Resource Emphasis Zone (HREZ), due to limited inventory data. The nature and degree of impacts are fairly well defined for larger meadows, but less understood for smaller meadows and stringer meadows. Consequently, data are needed to determine the classes of cultural properties within the allotment, and the nature and degree of impacts associated with grazing of small and stringer meadows.

Developing a Survey Strategy

Survey strategy for this allotment must take into account the need to better define the nature of the impacts in small and stringer meadows and the need to locate those heritage resources that may be affected. Absent knowledge of the specific cultural properties that might occur in the allotment, all classes of properties should be considered, although some classes such as bedrock milling stations, quarries, mine tailings, adits, shafts, and ditches are not likely to be affected. Given the lack of information in general with respect to heritage resources, a surface intensive survey strategy is appropriate for key meadows and their margins, and all improvements. It would be cost-efficient to conduct this level of inventory to satisfy project management needs and to help fill a major gap in the heritage resources data base.

"Systematic Selective Subarea Sampling" is an appropriate method of survey to ascertain the nature and degree of grazing impacts at smaller meadows and stringer meadows. A 25% stratified random sample of these areas would provide more explicit data by which to determine the degree of impacts and

whether further archaeological inventory is warranted. In other words the objective of the inventory would be to assess the intensity of cattle use rather than to identify heritage resources. This would not preclude archaeological data collection, it just would not be the primary focus. Subsequent survey strategies, if necessary, would be guided by more explicit information on grazing patterns and associated ground disturbance.

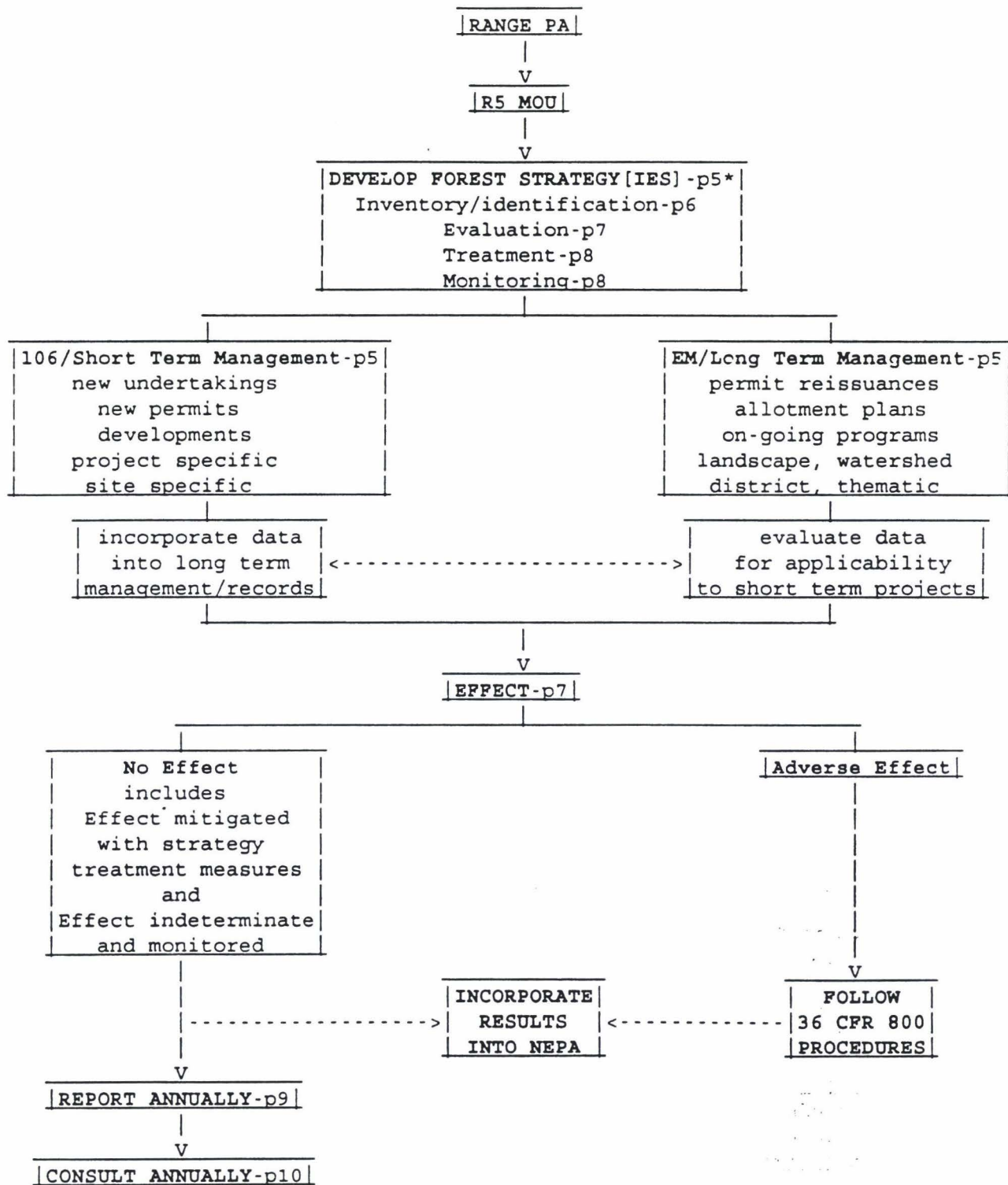
Alternative Strategy

It could be argued that since grazing has occurred in this allotment fairly consistently for the past 50 years, whatever impacts to heritage resources that have occurred have most likely reached maximum levels. Unless grazing patterns are expected to change (i.e., increased stocking, new improvements, etc.), existing impacts would not increase. Acknowledgement of this probability does not preclude any consideration of heritage resources. Absent verifiable field observations, conclusions on impacts would be premature.

A "Systematic Selective Subarea Sampling" of suitable range and improvements would provide the means of verification. A 25% stratified random sample (inclusive of large, small, and stringer meadows, and archaeologically sensitive areas) should provide sufficient data to characterize the nature of grazing impacts. Additional field studies may be necessary to assess the degree of impact and potential for additional impact for some archaeological sites.

APPENDIX E

REGION 5 MEMORANDUM OF UNDERSTANDING FLOW CHART



* p# = page reference in the MOU

**PROGRAMMATIC AGREEMENT
BETWEEN THE
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
REGARDING RANGELAND MANAGEMENT ACTIVITIES
ON NATIONAL FOREST SYSTEM LANDS**

WHEREAS, the U.S. Department of Agriculture, Forest Service (Forest Service), in administering multiple-use management of National Forest System lands, manage rangeland resources in conformance with federal regulations directing Forest Service range management titled Range Management Subpart A-Grazing and Livestock Use on the National Forest System (36 CFR 222, Subpart A); and

WHEREAS, the Forest Service is committed to preserving and fostering appreciation of heritage resources on and related to National Forest System land management through appropriate programs of protection, research, treatment, and interpretation in keeping with historic preservation and environmental protection statutes and regulations; and

WHEREAS, the issuance of term grazing permits and the administration and management of rangeland activities associated with term grazing permits for National Forest System lands (rangeland management activities) may affect properties either listed in or eligible for listing in the National Register of Historic Places (historic properties), the Forest Service has consulted with the Advisory Council on Historic Preservation (Council) regarding the process by which historic properties shall be considered in conducting rangeland management activities, in accordance with the intent of Section 106 and Section 110(a) of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f and 470h-2), and the Council's implementing regulations entitled "Protection of Historic and Cultural Properties" (36 CFR Part 800); and

WHEREAS, the Council encourages the coordination and integration of implementing procedures for Section 106 of the National Historic Preservation Act (NHPA) described at 36 CFR Part 800 with environmental review carried out pursuant to National Environmental Policy Act (NEPA) and other environmental and historic preservation authorities through the development of agreements, pursuant to 36 CFR Part 800.13; and

WHEREAS, a nation-wide, coordinated program among National Forests would facilitate compliance with Section 106 of the NHPA and related authorities, and improve consistency and accountability in the development and application of appropriate measures to inventory, evaluate, protect, interpret, enhance and manage historic properties; and

WHEREAS, unless otherwise defined in Attachment 1 of this Agreement, all terms are used in accordance with current regulations at 36 CFR Part 800; and

WHEREAS, the Forest Service has consulted with the Council regarding the process by which historic properties shall be considered by the Forest Service in conducting rangeland management activities, in accordance with Section 106 and Section 110(a) of the NHPA (16 USC 470), and its implementing regulations, Protection of Historic and Cultural Properties (36 CFR Part 800);

NOW, THEREFORE, the Forest Service and the Council mutually agree that the Forest Service shall carry out its Section 106 responsibilities in accordance with the stipulations of this Agreement in order to take into account the effects of rangeland management activities on historic properties.

STIPULATIONS

The Forest Service agrees that the issuance of term grazing permits and administration of rangeland management activities shall be conducted in accordance with the following stipulations.

I. STANDARDS

A. PROFESSIONAL QUALIFICATION STANDARDS

All actions taken with regard to the identification, evaluation, and management of heritage resources on National Forest System lands shall comply with the provisions of Section 112(a)(1) of the NHPA (16 U.S.C. 470h-4(a)). Until such time that professional qualifications standards are developed by the Office of Personnel Management, heritage resource program activities related to the implementation of this Agreement shall be carried out under the direction of qualified Forest Service personnel or contractors that meet the "Secretary of Interior's Guidelines for Historic Preservation Projects, Professional Qualifications Standards (48 FR 44738, September 29, 1983), the minimum qualification standards listed in 36 CFR Part 296.8, or Office of Personnel Management's X-118 standards and are working at a journeyman level (GS-11). For the purposes of this Agreement, such qualified professionals shall be referred to as Heritage Resource Specialists (HRSS).

B. REPORTING AND DOCUMENTATION STANDARDS

Documentation produced in accordance with the terms of this Agreement may include heritage resource inventory reports, evaluation reports, treatment plans, management plans, data recovery plans and reports, overviews, and SHPO and Council documentation. Documentation shall meet the standards set forth in Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines (48 FR 44716, September 29, 1983) in appropriate disciplines, as determined by the types of studies performed, and types of heritage resources identified within Areas of Potential Effects (APEs) for term grazing permits. Supplemental documentation requirements may be provided in State Historic Preservation Plans, SHPO guidance, Regional and Forest standards, and historic preservation plans developed for Forests or Regions. Such supplemental documentation requirements shall be cited in Memoranda of Understanding (MOUs) developed pursuant to this Agreement.

II. PLANNING OPTIONS AND OBJECTIVES

This Agreement accommodates the diverse planning needs of Forest Service Regions (Regions) and their member Forests by offering four options for heritage resource management related to rangeland management activities. Each Forest, in consultation with the Region, shall assess their planning needs to determine the planning options best suited to their needs and circumstances. Regions or Forests may choose from these options on a region-wide or permit-specific basis, according to regional or individual Forest needs and circumstances. The options and salient characteristics of each are summarized in Figure A.

This Agreement should be implemented in ways that ensure the timely provision of information for compliance with NEPA and coordination between heritage resources and other Forest staff responsible for the preparation of NEPA documents and other planning efforts (e.g., Forest Land and Resource Management Plans).

A. OPTION 1 -- COMPLIANCE WITH 36 CFR Part 800.4-800.6

Regions or individual Forests may elect to satisfy their Section 106 requirements by following the procedures described at 36 CFR Part 800.4 - 800.6, rather than alternative options described in this Agreement. Option 1 involves consideration of each term grazing permit and individual consultation

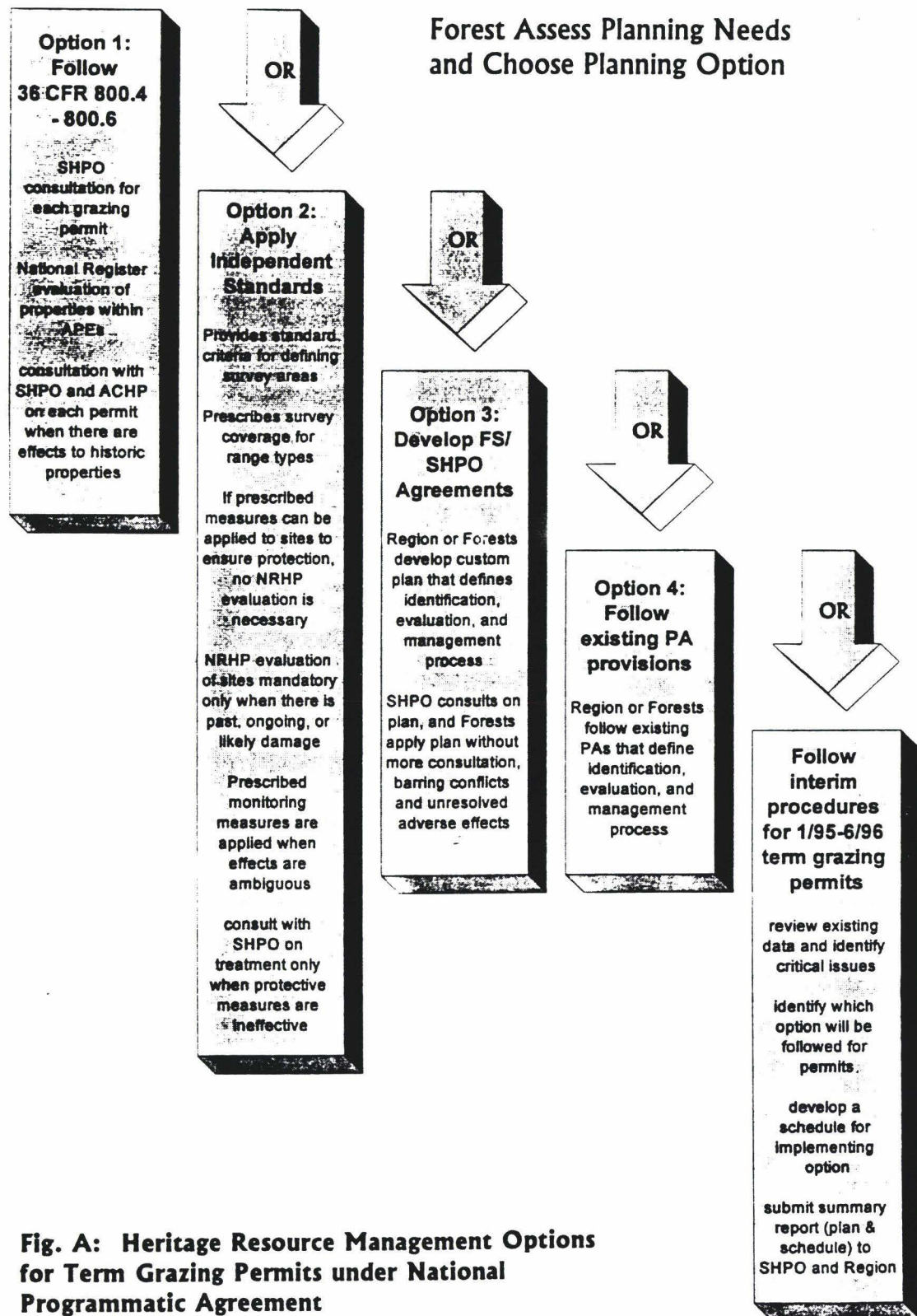


**Fig. A: Heritage Resource Management Options
for Term Grazing Permits under National
Programmatic Agreement**

with SHPOs of states with review authority and responsibilities within those Forest Service administrative areas, and the Council as appropriate, under the terms of 36 CFR Part 800.4-800.6.

B. OPTION 2 -- CRITERIA AND STANDARDS FOR INDEPENDENT MANAGEMENT

Option 2 is offered to eliminate or reduce the need for permit-specific consultation with the SHPO under certain circumstances. It does so by providing criteria and standards for determining inventory areas and methods, the circumstances that prompt heritage resource evaluation, and standard protective management measures. This prescriptive approach is termed the "independent management option" because criteria and standards are explicitly defined, have been designed to ensure general agreement by review agencies, and can be applied in a formulaic manner. Application of Option 2 eliminates the need for permit-specific consultation with the SHPO or Council and allows independent heritage resource management by Forests, as long as the criteria and standards are met. Option 2 also eliminates Council review when Forest and SHPOs agree on the treatment of adverse effects. The criteria and standards that guide this independent management are described in Attachment 2.

C. OPTION 3 -- DEVELOPING FOREST SERVICE/SHPO AGREEMENTS

Regions or Forests may elect to develop Memoranda of Understanding (MOUs) with SHPOs of states with review authority and responsibilities within those Forest Service administrative areas. MOU development provides opportunities to tailor inventory, evaluation, management, monitoring, and review processes to the circumstances of Regions or Forests, and to integrate those procedures with NEPA and NFMA requirements. Option 3 MOUs have the potential to grant Forests considerable independent heritage resource management authority (reducing or eliminating SHPO and Council review), depending on the terms of the MOUs.

MOUs and their related plans must describe inventory, evaluation, monitoring, and management processes that are tailored to the nature of rangeland management activities within a defined APEs, and should integrate heritage resource management with the consideration of natural resources within the context of other authorities (e.g., NEPA, NFMA, Ecosystem Management directions, Section 110 of the NHPA).

MOU objectives and requirements are described in Attachment 3. Review of MOUs by the SHPO is described in Stipulation IV.A.2 of this Agreement.

D. OPTION 4: COMPLIANCE WITH EXISTING PROGRAMMATIC AGREEMENTS

Regions or Forests may elect to satisfy their Section 106 requirements by following the procedures in existing Programmatic Agreements (PAs) executed pursuant to 36 CFR Part 800.13, where such PAs do not exclude the consideration of term grazing as undertakings, and where such PAs provide for a process of inventory, evaluation, and management applicable to issuance of term grazing permits and consistent with the intent of this agreement.

E. INTERIM PROCEDURES FOR TERM GRAZING PERMITS

Forests that elect to issue term grazing permits between January 1995 - June 1996 may defer completion of planning options described in Stipulations II.A.B. C, and D. However, if term grazing permits include previously ungrazed lands or authorize new ground-disturbing facilities, then Forests must choose from planning Options 1-4 to satisfy their responsibilities under Section 106 and the terms of this Agreement, and may not defer heritage resources planning activities under this Stipulation II.E.

If Forests elect to defer planning options that qualify under these conditions, the Forests shall develop a plan to complete one of the planning options and submit a report to the appropriate SHPOs and Regional Office that identifies for each permit:

1. the proposed term grazing permit(s), including allotment acreage(s) and scheduled date(s) of permit issuance;

2. efforts to date to identify known heritage resources within the allotment(s);
3. public participation efforts, including Native American consultation;
4. known or anticipated conflicts between heritage resources and rangeland management activities, if any;
5. the selected option, as described in Stipulations II.A.B.C, and D; and
6. a schedule for implementing the selected option.

Deferral of inventory, evaluation, and management of heritage resources until after the issuance of term grazing permits does not relieve the Forest Service of responsibilities under other legal authorities (e.g., NEPA, NFMA).

F. REGIONAL COORDINATION

Each Forest Service Regional Office shall serve as an information coordinator under this Agreement. The Region shall notify their Forests of the execution and terms of this Agreement, including any specific guidance that the Regions may wish to convey with regard to implementing the terms of the Agreement.

III. PUBLIC PARTICIPATION

The Forest Service shall seek and consider the views of the public in selecting an option and carrying out actions under the terms of this Agreement. Forests shall establish mechanisms for seeking and taking into account the views and information of interested persons, including local governments, permittees, Indian Tribes, and interested Native American groups.

Forests should also coordinate the public participation requirements of Section 106 with NEPA by including within Environmental Assessments (EAs) and Environmental Impact Statements (EISs) sufficient information on heritage resource identification, evaluation, consideration of effects, and proposed management measures to adequately inform the public of the effects/impacts of proposed rangeland management activities on heritage resources. Such documents shall, however, not include specific information on the location and character of heritage resources where such information is protected under Section 304 of the NHPA (16 U.S.C. 470w-3) or Section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh).

IV. REVIEW, REPORTING, AND CONSULTATION

A. SHPO REVIEW

I. General Time Limits and Authority

- A. Unless otherwise specified in this Agreement or established by mutual agreement in MOUs, SHPOs shall be afforded 30 calendar days from receipt of appropriate documents to respond to any Forest communications. Should the SHPO not respond within 30 calendar days, the Forests may assume SHPO concurrence with the Forest's documentation and proposed course(s) of action, and shall document nonresponse by the SHPO in the project file.
- B. If a Forest chooses Option 2 (independent management standards) or Option 3 (MOU development and application), the Forests shall implement the procedures described under each planning option and need not consult with the SHPO with the following exceptions:
 1. at its discretion, the SHPO may elect to participate with a Forest in consultation on specific undertakings;
 2. Forests shall respond to a SHPO request to review heritage resource management for individual term grazing permits by providing documentation to the SHPO within 15 calendar days of the request;

3. the SHPO shall respond to Forests' submittals within 15 calendar days of receipt of Forest documentation, if that documentation is submitted in a timely manner.
 - C. If management measures resulting from the application of any planning option described in Stipulation II fail to protect historic properties or heritage resources from continued degrading damage (effects) to their values as intended, the Forests shall notify the Council and consult with the SHPO on ways to avoid or reduce the adverse effects in accordance with 36 CFR Part 800.5-800.6.
- II. SHPO Review Under Option 3, MOU Development**
- A. SHPOs shall be afforded 30 calendar days from receipt to review draft MOUs developed by Regions or Forests. The comments of the SHPO shall be addressed in revising the MOU, which shall be submitted to the SHPO for a 15 day review.
 - B. If the SHPO does not respond within 30 calendar days after receipt of the draft MOU, or within 15 calendar days of receipt of the draft final MOU, the Regions or Forests may assume that the SHPO does not object to the submittal and: submit a copy of the unratified MOUs to the Council and then follow the procedures described in the unratified MOUs. SHPO review periods may be extended, at the discretion of the Regions or Forests submitting the MOUs, upon request by the SHPO.
 - C. If the Region or Forest submitting the MOU cannot reach agreement with the SHPO on the terms of the MOU, the Forests shall follow either the procedures described at 36 CFR Part 800.4 – 800.6 (Option 1) or the independent management standards (Option 2) to complete the Section 106 process for individual term grazing permits.
 - D. If Forests must proceed with range management activities before MOUs are executed with the SHPO, then Forests may follow the procedures described at 36 CFR Part 800.4 – 800.6, apply independent management standards (Option 2) described in Stipulation II.B and Attachment 2 for individual permits, or defer heritage resource management activities in accordance with Stipulation II.E, until such time as MOU(s) are executed.

B. PROGRAM REPORTING AND REVIEW

Reporting and review of the implementation and effectiveness of this Agreement shall occur on an annual basis, allowing the Forest Service, SHPOs, and Council, opportunities to monitor and recommend improvements to the Agreement, as appropriate.

1. Forest Reports

In lieu of heritage reports for each grazing permit, each National Forest shall prepare an annual report of Rangeland Heritage Resource Activities (Forest Report) for all heritage resources activities conducted under the terms of this Agreement and associated MOUs during the previous fiscal year. If a Forest exclusively follows Option 1, however, a Forest Report is unnecessary. Forest Reports may be scheduled and coordinated with other annual Regional or Forest reports of Section 106 activities to the SHPO provided under other agreements. Forests which choose to follow Option 4 (existing PAs) shall abide by the reporting requirements included in those PAs. In the absence of an alternative reporting schedule, Forest Reports regarding heritage resource management for rangeland management shall be submitted concurrently to SHPOs, Regions, and the FPO no later than March 1, 1996, and annually no later than March 1 of subsequent years while this Agreement is in effect. The Regions or Forests, in consultation with SHPOs, may develop standard formats for the report. This Forest Report shall summarize activities carried out under the Agreement, and at a minimum shall include:

- a. a list of term grazing permits, and the planning option selected for each permit or the entire permitting program if a single planning option is selected;
- b. acreage subject to intensive survey;
- c. the number and types of heritage resources inventoried; the number of resources for which protection measures were proposed or implemented, by type of measure; monitoring requirements and efforts; the number of resources evaluated according to NRHP criteria, and the results of those evaluations; the number of resources for which effects are subject to additional study, according to the type of study;
- d. a summary of important information collected during the year's investigations which may serve to update, modify, or refine existing forest overviews, predictive models, historic contexts, or research considerations;
- e. an identification of problems in implementing the provisions of the Agreement and associated MOUs, as well as recommendations which may serve to improve the Agreement; and
- f. any other reportable activities, beyond compliance activities, including public outreach and participation, related to rangeland management and heritage resources.

Unless an extension has been granted by the SHPO, failure to submit a Forest Report may result in termination of a Forest's participation in the terms of this Agreement in accordance with Stipulation VI.C.1.

Each Forest Service Regional Office may coordinate the assembly of Forest Reports of heritage resources activities conducted under the terms of this Agreement and associated MOUs during the previous fiscal year in order to expedite SHPO review.

Forest Reports shall be submitted to the FPO and the appropriate SHPOs related to each Region. The FPO shall consult with the Council to develop standards for the content of the reports.

2. National Report

The FPO or his/her designee shall prepare annually a National Report of Rangeland Heritage Resource Activities (National Report) for heritage resources activities conducted under the terms of this Agreement beginning no later than a year following the date of execution of this Agreement. The National Report will be submitted to the Council and the NCSHPO. The National Report shall summarize information provided by the Forests (Forest Reports) along with the FPO's assessment of the effectiveness of the Agreement, and identification of general problems with its implementation and recommendations for improvement, continuation, or termination.

3. Council Request for Information

The Council may request the FPO or his/her designee to prepare a report on heritage resources activities conducted under the terms of this Agreement. The request may relate to a specific term grazing permit or Forest(s') implementation of the terms of this Agreement. The report shall be submitted to the Council no later than 60 calendar days after receipt of a request by the Council.

Upon receipt of a request, the FPO shall consult with the Council to determine specific information needs for the assessment, if not explicit in the Council's request. The FPO may request information and assistance from the Regions or individual Forests in assembling the requested information.

4. Review of Reports

The SHPOs, Regions, FPO, and Council, (reviewing parties) may monitor activities carried out pursuant to this Agreement and associated MOUs to determine whether continuation, amendment, or termination is appropriate. Review and effectiveness appraisals may be conducted through meetings, telephone conferences, or other means for this purpose.

Written comments by reviewing parties, should they choose to comment, on a Forest Report, National Report, or specific actions carried out under the terms of this Agreement shall be provided to the appropriate reporting entity within 60 calendar days of receipt. If reviewing parties accept reports without comment, or fail to provide comments, the reports will be considered acceptable for purposes of determining whether to continue to implement, amend, or terminate this Agreement.

V. DISPUTE RESOLUTION

Should the Forest Service, SHPOs, or Council make a timely objection to any actions proposed under this Agreement, the Forest Service authority appropriate to the nature of the objection shall consult with the objecting party to attempt to resolve the objection. If the Forest Service determines that the objection cannot be resolved, it shall forward all documentation relevant to the dispute to the Council, and notify the appropriate SHPOs, Region, and FPO if the objection relates to the general terms of this Agreement rather than an individual rangeland management activity. Within 30 calendar days after receipt of all pertinent documentation, the Council will either:

1. Provide the Forest Service with recommendations, which the responsible Forest Service authority shall take into account in reaching a final decision regarding the dispute; or
2. Notify the Forest Service that it will comment pursuant to 36 CFR Part 800.6(b), and proceed to comment. Any Council comment provided in response to such a request shall be taken into account by the Forest Service in accordance with 36 CFR Part 800.6(c)(2) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. Forest Service responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

At any time during implementation of the measures stipulated in this agreement, should an objection be raised by a member of the public, the Forest Service shall take the objection into account and consult as needed with the objecting party, the SHPO, other, and the Council, if necessary.

VI. AMENDMENT, TERMINATION, AND FAILURE TO PERFORM

A. AMENDMENT

Signatories to this Agreement shall consult pursuant to Stipulation IV, B5 to determine the success of their mutual working relationship and effectiveness of this Agreement and associated MOUs, and if necessary shall make appropriate changes that are consistent with the provisions of this Agreement.

If any signatory to this Agreement determines that the terms of this Agreement cannot be met, or believes changes are necessary, that signatory shall request the consulting parties to consider an amendment to this Agreement. Such an amendment shall be executed in the same manner as the original Agreement.

B. TERMINATION

Any signatory to this Agreement may terminate it by providing 30 calendar days notice to the other parties, provided that the parties consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

C. FAILURE TO CARRY OUT THE TERMS OF THE AGREEMENT

1. If a Region or an individual Forest is unable to carry out the terms of this Agreement or associated MOU, the Region or Forest shall be withdrawn from the Agreement and must comply with 36 CFR 800.4-800.6 with regard to individual undertakings that would otherwise be covered by this Agreement. Inability to carry out the terms of this Agreement or associated MOUs shall be determined through review of annual reports or following an objection to the Council and review of the Regional or Forest implementation of this Agreement, made in consultation with the Regional Forester and the appropriate SHPOs pursuant to Stipulation V.
2. In the event a SHPO is unable to fulfill its responsibilities pursuant to this Agreement, the affected Region or Forests shall consult with the Council on an appropriate course of action for implementing the terms of the Agreement.
3. A Forest may withdraw from participation in this Agreement and associated MOUs by providing 30 calendar days notice to the appropriate SHPOs and Region. The Forest shall comply with 36 CFR 800.4-800.6 with regard to individual undertakings that would otherwise be covered by this Agreement.

VII. RELATIONSHIP TO OTHER AGREEMENTS

A. SCOPE

This Agreement is limited in scope to Forest Service rangeland management activities and is entered into solely for that purpose and does not affect in any way the positions taken by the Forest Service, and Council regarding the proper implementation of the Forest Service's responsibilities for other undertakings under Section 106 or related historic preservation or other environmental review statutes or regulations.

B. CONFLICTS WITH OTHER AGREEMENTS

Execution of this Agreement and implementation of its terms evidences that the Forest Service Regions has afforded the Council a reasonable opportunity to examine and share their views on how it manages historic properties. Execution of this Agreement and implementation of its terms also evidences that the Forest Service has satisfied its Section 106 responsibilities for individual term grazing permits and rangeland management activities covered by this Agreement.

USDA FOREST SERVICE

By: David G. Unger

Date: 6/19/95

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: [Signature]

Date: 6/26/95

ATTACHMENT 1 DEFINITIONS

Unless otherwise defined below, all terms used in this Agreement are used in accordance with 36 CFR Part 800.2.

"Heritage Resources" are objects and places used or modified by humans, and for which there is physical evidence of that use, or contemporary cultural value ascribed to those objects and places. Heritage resources are generally greater than 50 years old, and include sites, structures, buildings, districts, and objects associated with, or representative of, people, cultures, and human activities and events. For the purposes of this PA, the term heritage resource means any property as defined above, whether previously evaluated or not yet evaluated for listing or eligibility for listing in the National Register of Historic Places (NRHP). Heritage resources include, but are not limited to, historic properties, as defined in 36 CFR 800.2(e).

"Accessible range - Livestock" Land within an allotment that is readily accessible to livestock grazing.

"Inaccessible range - Livestock" Land within an allotment that is not accessible to livestock grazing.

"Management Measures" are specific activities or procedures, or series of procedures, designed to protect, manage, or treat heritage resources or historic properties.

"Waived lands" are lands administered under Term Private Land Grazing Permits, described at FSH 2209.13 (11.13 and 15.3). These privately held lands are used in conjunction with national forest lands for grazing, included in term grazing permits. Rangeland management activities on waived lands are administered by a National Forest responsible for issuing a term grazing permit. Administrative authority for rangeland management activities on waived lands is accepted by the federal government through a waiver by the permittee, who owns or controls the private land.

ATTACHMENT 2

CRITERIA AND STANDARDS FOR INDEPENDENT HERITAGE RESOURCE MANAGEMENT ON GRAZING ALLOTMENTS

The following pages describe criteria and standards for heritage resource survey and inventory, evaluation criteria, and protective measures. When these criteria and standards are applied on grazing allotment areas by qualified Forest Service HRSs, review of the methods or results of heritage resources studies by SHPOs or Council is unnecessary, as long as the conditions for independent management established in this attachment are met.

I. CONSULTATION WITH INTERESTED PARTIES

Consultation with interested parties, including appropriate Indian Tribes or Native American groups, to identify heritage resource concerns and potential traditional cultural properties must be conducted as an aspect of the inventory. Such parties should be identified during the assessment of program needs and planning approaches. Consultation may occur on a forest-wide level, but sufficient information must be provided interested persons regarding the geographic areas and nature of individual grazing allotments that interested persons can identify specific locations of concern that may be affected by range management.

II. INVENTORY CRITERIA AND STANDARDS

A. AREA OF POTENTIAL EFFECTS

The Area of Potential Effects (APE) for rangeland management activities, including issuance of term grazing permits, shall be allotment boundaries. The following stipulations describe standards for focusing heritage resource management activities on specific areas within those APEs.

B. REVIEW OF EXISTING INFORMATION

Forest heritage resource records and documentation should be examined in determining the inventory needs and methods appropriate for grazing allotments. Allotment-specific reviews of existing Forest information must be accomplished prior to field survey, following the Secretary of Interior's Guidelines for Identification, Forest Service Manual 2361, and guidelines promulgated by appropriate SHPOs. Existing information should be used to determine the types of heritage resources that may be expected. These expectations will be used to develop inventory strategies for areas of low grazing use.

C. SUITABLE RANGE AND INVENTORY REQUIREMENTS

The HRS shall contact Forest and District Range staff to define suitable range and areas of concentrated and low grazing use.

1. Survey Requirements for Areas of Concentrated Grazing Use.

Areas of concentrated grazing use shall be surveyed and inventoried under the direct supervision of professionals in closely spaced survey intervals of 30 meters or less. If areas within accessible range have been excluded from cattle use by improvements (e.g., fencing), inventory will not be necessary within those areas of exclusion, although field survey of such areas is encouraged to advance the Forests' compliance with Section 110(a).

2. Survey Requirements for Areas of Low Grazing Use

Areas of low grazing use may receive less intensive survey in general, although specific locations should be subject to intensive field examination, such as frequently used stock trails and driveways.

Potential forage areas of low grazing use may be subject to reconnaissance survey using methods appropriate to the type of expected resources. Reconnaissance may include overlooks and windshield surveys to search for standing structures, examination of outcrops in regions known to contain rock art, and sample survey of pockets of lands judged by the HRS from regional experience to be likely to contain heritage resources.

Inventory strategies must include the inspection of recorded heritage resources for which inventory records indicate grazing damage, or for which grazing damage is judged to be likely.

D. INACCESSIBLE RANGE AND INVENTORY STANDARDS

Inaccessible rangeland should be excluded from inventory early in the prescribed inventory area delineation process. However, there may be small pockets of unsuitable land within areas of concentrated and low grazing use that are not mapped or identifiable during planning activities, but which are encountered during a field survey. Field survey may be appropriate in selected unsuitable range areas if information (e.g., records and literature examination, personal knowledge) reveals heritage resource concerns.

E. HERITAGE RESOURCE RECORDING STANDARDS

All heritage resources encountered during field surveys must be recorded to contemporary professional standards using Forest Service guidelines and SHPO requirements, if any. Heritage resource records for sites revisited for the purpose of inspection for grazing damage should be assessed for adequacy by contemporary standards, and revisions or supplements prepared to upgrade those records, as appropriate. Heritage resource records should provide detailed observations regarding the nature and extent of any observable grazing impacts, and compare current evidence of damage with former observations, if any.

III. PROTECTION AND EVALUATION STANDARDS

NRHP evaluation of heritage resources is mandated under the terms of this planning option, when damage or potential for damage is noted and cannot be eliminated through standard protection measures.

Therefore, the identification of impacts and assessment of the potential for protection are planning activities that precede mandatory NRHP evaluation.

A. IDENTIFYING IMPACTS

Heritage resources for which impacts and the potential for impacts were observed during field survey, or at resources which were revisited on the basis of records examination and field checks, must be identified and described as precisely as possible for the purposes of determining appropriate management directions. Evidence of grazing damage must be such that physical alteration of the land surface is observed. Evidence that livestock have visited the area, by itself, is insufficient to prompt resource evaluation. Some Regions have developed measures for livestock use, and the HRS should consult with Forest range staff to determine whether evidence of use indicates a high potential for damage.

B. PROTECTION OF HERITAGE RESOURCES

1. Assessing the Potential for Applying Standard Protective Measures

The potential for applying standard prescribed protective measures to eliminate or protect heritage resources from grazing damage or potential grazing damage shall be considered. When damage or the potential for damage is identified, HRSs, in consultation with appropriate Forest staff, shall determine if standard protective measures are economically feasible, practical, and

likely to be effective in resource protection. If HRSs determine that the nature and scope of the impact or potential impact is such that standard protective measures can be applied to ensure that the values (or potential values) of heritage resources are not further affected in any way, then those heritage resources may be managed and maintained in a manner which ensures that their values are preserved, and NRHP evaluation is not required, as described in Section III.C of this Attachment 2.

2. Standard Protective Measures

Standard protective measures include:

- a. fencing or enclosure of livestock from the heritage resource sufficient to ensure long-term protection, according to the following specifications;
 - i. the area within the enclosure must be inventoried to locate and record heritage resources;
 - ii. the enclosure (i.e., fence) must not divide a heritage resource so that a portion is outside of the fence;
 - iii. a 10 meter buffer zone must be provided between the heritage resource and its enclosing fence; and
- b. relocation of livestock management facilities at a distance from heritage resources sufficient to ensure their protection from concentrated grazing use; and
- c. removal of the area(s) containing heritage resources from the allotment.

Monitoring the effectiveness of these standard measures may be necessary to ensure long-term resource protection. Monitoring efforts must be reported in Forest Reports (Stipulation IV.B.1 of this Agreement).

C. HERITAGE RESOURCE EVALUATION

1. Mandatory Evaluation

- a. Mandatory NRHP evaluation shall be limited to heritage resources that evidence physical damage from rangeland activities, and cannot or will not be protected from ongoing and future rangeland impacts through the application of standard protection measures.
- b. If HRSs, in consultation with the Forest range staff, determine that protective measures are not economically feasible or impractical, or are unlikely to be effective, the Forest shall collect information sufficient to apply the NRHP criteria of evaluation to heritage resources subject to grazing damage. Evaluation shall be conducted in a manner consistent with the "Secretary of Interior's Standards and Guidelines for Evaluation" (48 Federal Register 190:44729-44738), 36 CFR Part 63, and "How to Apply the National Register Criteria for Evaluation" (National Register Bulletin 15).
- c. Forests shall consult with SHPOs in applying the NRHP criteria, pursuant to 36 CFR Part 800.4(c) under the SHPO review time limits specified in Stipulation IV.A.1 of this Agreement. Heritage resources determined to be NRHP eligible (historic properties) will be subject to further management consideration and consultation, as described below.

2. Deferred Evaluation

For the purposes of this planning option, NRHP evaluation of heritage resources can be deferred to a later date for heritage resources:

- a. that do not evidence physical damage or a reasonable potential for physical damage from grazing or range management activities;

- b. when standard protection measures can be applied to ensure that the values or potential values of the heritage resource can be preserve; or
- c. when effects are ambiguous and monitoring standards are prescribed. Effects, or the nature of effects, may often be unknown or ambiguous given the history of past land use and nature of heritage resources. If effects are ambiguous, then limited-term monitoring may be employed, using monitoring standards outlined in Section III.D of this Attachment 2, to determine the nature of effects and need for evaluation and further management consideration.

Deferral of NRHP evaluation for the purposes of term grazing permit issuance does not relieve the Forest of its responsibilities for evaluation under Section 110(a)(2), or Section 106 for other undertakings.

D. MONITORING STANDARDS

The following standards shall guide monitoring of heritage resources to determine if suspected physical damage to a heritage resource is ongoing, or to determine the nature of damage when physical impacts are noted but their source or extent is ambiguous.

1. Monitoring

Monitoring should be incorporated into existing monitoring for forest plans and project level activities.

2. Regularity and Timing

Monitoring must occur on a regular schedule, in intervals of sufficient frequency to ensure that the source of damage can be accurately identified, but also long enough to provide realistic opportunities for agents of damage to occur. The timing of monitoring activities should also be established to afford HRSs or their agents opportunities to observe the source and extent of damage as close to the likely period of damage as possible.

3. Consistency

Observations regarding damage or potential damage must be consistent to be interpretable. Consistency can be provided through the use of the same personnel, if there is sufficient stability in staff, or through visual media, or both. The use of consultants for monitoring is acceptable if the contracted scope of work specifies that heritage resources will be monitored for the duration of the observation period for the purposes of this Agreement. Visual media (photographs, videotape) can be effective monitoring tools, but consistency is important to ensure comparability. Photographic formats and procedures should be standard (media type, lens type, recording positions or photo stations), and general environmental conditions should be considered (ground surface conditions such as vegetation cover, illumination).

4. Relevance

Observations made during monitoring should be specific to the types and locations of noted damage. In other words, observations on general surface conditions may not be sufficient to monitor damage. Specific damage or suspected damage locations should be noted and repeatedly observed for changes.

5. Reporting

The methods and results of monitoring should be recorded in monitoring reports or forms. Regions and Forests may have standard monitoring forms, and such forms or form entries should be completed for each monitoring episode. The final monitoring report should include a conclusion regarding the nature of damage and recommendation for additional management consideration, consistent with the terms of this Agreement.

6. Duration

The duration of monitoring under prescribed standards should be established on the basis of need and circumstance (e.g., livestock rotation, sensitive seasons) but shall not exceed three years under the terms of this Agreement. Extended monitoring may be established as the condition of a treatment plan, permit condition, or result from consultation under other Options selected under this Agreement.

IV. CONSIDERING EFFECTS

If heritage resources cannot be protected by the application of prescribed protective measures described in Section III.B.2 of this Attachment 2, and are determined to be historic properties pursuant to Section III.C.1, the Forests shall apply the criteria of adverse effect found at 36 CFR Part 800.9 and consult with the SHPO, interested parties, to develop treatment plans that avoid or reduce adverse effects.

A. TREATMENTS

1. Development of Treatments

Forests shall consult with the SHPO to develop treatments to avoid or reduce the adverse effects of rangeland management activities on historic properties. Review of Treatments by the SHPO shall follow Stipulation IV.A.1(b)(iii) of this Agreement.

2. Treatment Measures

Treatments may involve a variety of protective and treatment measures that include:

- a. rest/rotation
- b. reduced or scheduled grazing season
- c. protective barriers or repelling devices
- d. data recovery at archaeological sites
- e. experimentation or (continued) monitoring to evaluate nature of ongoing effects

3. Unknown Effects

If there appear to be ongoing effects to historic properties resulting from rangeland use, but the nature of those effects cannot be ascertained from information gathered during evaluation, then treatments may propose the study of such effects over a period of time specified in the treatments.

4. Monitoring

Monitoring the effectiveness of treatment measures may be necessary to ensure long-term resource protection. Monitoring efforts must be incorporated into treatments where appropriate, and be consistent with the standards described in Section III.D of this Attachment 2, and reported in Forest Reports (Stipulation IV.B.1 of this Agreement).

5. Forest Planning

Where Treatments are developed to study and address the long-term effects of rangeland use on historic properties, those Treatments should integrate with, and take into account, other Forest planning efforts. Such integration should include, as appropriate:

- a. amendment or revision of Forest Land and Resource Management Plans (FLRMPs) and their Standards and Guidelines (S&Gs) pursuant to the provisions of the NFMA and its implementing regulations found at 36 CFR 219;

- b. procedures to integrate heritage resource planning and treatment with the requirements and scheduling of NEPA described at 40 CFR 1500-1508.
- c. the production of heritage resource plans that examine the contexts, relationships, and significance of heritage resources on a landscape or ecosystem basis, consistent with the Secretary of the Interior's Standards for Preservation Planning;
- d. incorporation for heritage resources data into Geographic Information System or other land management databases to facilitate efficient future management.

ATTACHMENT 3

GUIDANCE FOR THE DEVELOPMENT OF MEMORANDA OF UNDERSTANDING (MOUs)

I. OBJECTIVES

MOUs should provide a process for heritage resource management that is tailored to the needs and conditions of each Region and associated states, within the parameters established in this Agreement. MOUs should offer significant administrative and procedural advantages over the process described at 36 CFR Part 800.4–800.6. MOUs should: (1) provide a process of inventory, evaluation, monitoring, and management that is tailored to the nature of rangeland management activities; (2) expedite SHPO review; and (3) integrate heritage resource management with the consideration of natural resources within the context of other authorities (NEPA, NFMA, Ecosystem Management directions, Section 110).

II. MOU DEVELOPMENT PROCEDURES

Regions and Forests that determine that their interests will be served by MOU(s) shall prepare MOU(s) within a time frame that is responsive to scheduling needs of rangeland management activities.

The development of a single MOU is encouraged for each Region and all of the appropriate states within its administrative jurisdiction. If a single MOU and associated procedures does not meet the needs of all SHPOs associated with a Region or Forest, more than one MOU may be developed to address the divergent needs of specific states. The process of MOU review is described in Stipulation IV, A2 of this Agreement.

III. MOU CONTENTS AND REQUIREMENTS

A. STRUCTURAL FLEXIBILITY

MOUs are intended to accommodate variability in Regional and Forest programs, and the varying procedures, standards, and requirements promoted by SHPOs. Therefore, MOUs may provide general procedural guidance regarding review processes and documentation standards or they can describe specific procedures that shall apply to all Forests participating in the MOU.

1. MOUs developed by Regions and Forests must, at a minimum, conform to the requirements and address the topics specified below. In developing MOUs, the Forest Service shall take into account the applicable requirements of the American Indian Religious Freedom Act, 42 U.S.C. 1996 (AIRFA), the Archeological Resources Protection Act, 16 U.S.C. 470aa (ARPA), and the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001-13 (NAGPRA).
2. The Forest Service shall seek and consider the views of the public in developing MOUs and carrying out actions in accordance with Stipulation III of this Agreement. MOUs shall further describe the methods or process of public participation in the identification and management of affected heritage resources.

B. FOREST PLANNING AND ECOSYSTEM ANALYSIS

1. Ecosystem Analysis

Many Regions and Forests are conducting ecosystem analyses to provide information on, and enhance understanding of, the physical, biological, social, or economic aspects and interactions of

an ecosystem. Regions and Forests may incorporate the concept and findings of ecosystem analysis in MOUs.

Landscape-level analyses consistent with the Secretary of Interior's Standards for Preservation Planning should, when appropriate, consider heritage resources within historic contexts that define the importance of different property types, and may allow Forest to establish priorities and criteria for inventory and evaluation that result in more efficient heritage resource management activities.

2. Forest Planning and NEPA Integration

Forest Service guidance emphasizes the assessment of Allotment Management Plans (AMPs) for conformance with Forest Land and Resource Management Plans (FLRMPs). MOUs must be consistent with FLRMPs and should include procedures that ensure the timely provision of information on heritage resources for the preparation of NEPA documents. Heritage resource management activities may be timed to meet the scheduling needs of AMP preparation, rather than the date of term grazing permit issuance, as long as one of the planning options described in this Agreement are selected and completed prior to permit issuance.

C. IDENTIFYING HERITAGE RESOURCES

1. Standards

The National Forests shall make a reasonable and good faith effort to identify historic properties on National Forest System and waived lands subject to rangeland management activities. Identification efforts shall be consistent with the Section 110 Guidelines (ACHP and NPS, November 1989), the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716, September 29, 1983), and applicable USFS standards.

2. Required Elements

MOU standards must contain elements that discuss planning, define criteria for the delineation of APEs and inventory areas, archival research, field survey, reporting, and integration of identification results. MOU standards may be established and applied on a region-wide basis, for subregions, or defined for and by specific National Forests, as individual needs and circumstances warrant. MOUs and related planning documents may incorporate and further refine standards for defining inventory areas described in Attachment 3.

MOU standards for identification must address the examination of existing heritage resource inventory data. This may result in the disclosure not only of known resources, but also accurate predictions regarding resource types that are likely to occur within grazing allotments. MOU standards may include a process by which identification efforts are focused on a limited range of heritage resource types. Ecosystem or landscape analyses of heritage resource data and patterning may result in the development of special procedures for inventory, and substantially affect the scope and methods of inventory, in some cases supporting little or no additional field survey when there is little or no potential for important heritage resources to occur within grazing allotments. Special procedures must be based on a thoughtful, professional consideration of heritage resources and rangeland management information. The types and patterning of heritage resources, environmental or ecosystem characteristics, and the potential for physical damage to different types of heritage resources, are key considerations in developing special procedures. These planning activities should result in the development of research designs and work strategies for identification. Field survey standards may include prescriptions regarding the types of range or landforms that will be examined, and the manner in which they will be examined.

MOUs may also specify state standards based on State Historic Preservation Plans or historic preservation planning elements developed or accepted by the SHPO.

D. EVALUATION

1. Standards

MOUs must address the evaluation of heritage resources, and may use the criteria established for the prescribed standards (Attachment 3), refine or modify those standards, or develop entirely new standards in consultation with the SHPO. If Regions or Forests elect to develop special criteria or procedures for evaluation, such criteria must include the heritage resource values encompassed by the NRHP criteria found at 36 CFR 60.4 and afford the same level of consideration of heritage resource values. Alternative evaluation criteria and procedures may be more sensitive to the full range of values and administrative needs of the Forest Service than those provided at 36 CFR 60.4.

E. MANAGEMENT

1. Standards

MOUs must describe the manner in which effects to heritage resources will be identified and considered, consistent with the criteria of adverse effect found at 36 CFR Part 800.9(b). Management of heritage resources and historic properties should be consistent with Archeology and Historic Preservation: Secretary of Interior's Standards and Guidelines, with particular reference to the Secretary of Interior's Standards for Historic Preservation Projects.

2. Ambiguous Effects

MOUs may address the management of heritage resources for which the nature of effects from continued grazing are ambiguous or unknown, and which require extended study. The MOUs may describe processes or procedures for the determination of such effects. Such procedures may include deferred management activities for certain resource classes for which effects are ambiguous, and examination (e.g., monitoring, experimentation) of a sample of such resources to determine the nature of the effects of continued grazing.

3. Documentation

MOUs must include a description of the types of documents appropriate for meeting the terms of this Agreement and planning needs and standards of the Regions, Forests, and SHPOs. Documentation shall meet the Secretary of Interior's Standards for Historical Documentation in appropriate disciplines, as determined by the types of studies performed, and types of heritage resources identified within APEs for term grazing permits.

Supplemental documentation requirements may be provided in State Historic Preservation Plans, SHPO guidance, Regional and Forest standards, and historic preservation plans developed for Forests, sub-regions, or Regions. Such supplemental documentation requirements should be cited in MOUs.

MOUs may propose combining report types and information for the purposes of expeditious documentation and review, as long as the requirements of this Agreement, and MOU procedures developed pursuant to this Agreement, are met.

F. CONSULTATION

Unless specific review time frames between SHPOs and Regions or Forests are negotiated under the terms of MOUs, consultation shall be guided by Stipulation IV of this Agreement.

G. FOREST PLANNING AND FOREST/SHPO COORDINATION

1. Forest Planning under the NEPA

Procedures established in MOUs should ensure the timely provision of information for compliance with NEPA and coordination between heritage resources and other Forest staff responsible for the preparation of NEPA documents.

2. Forest Planning under the NFMA

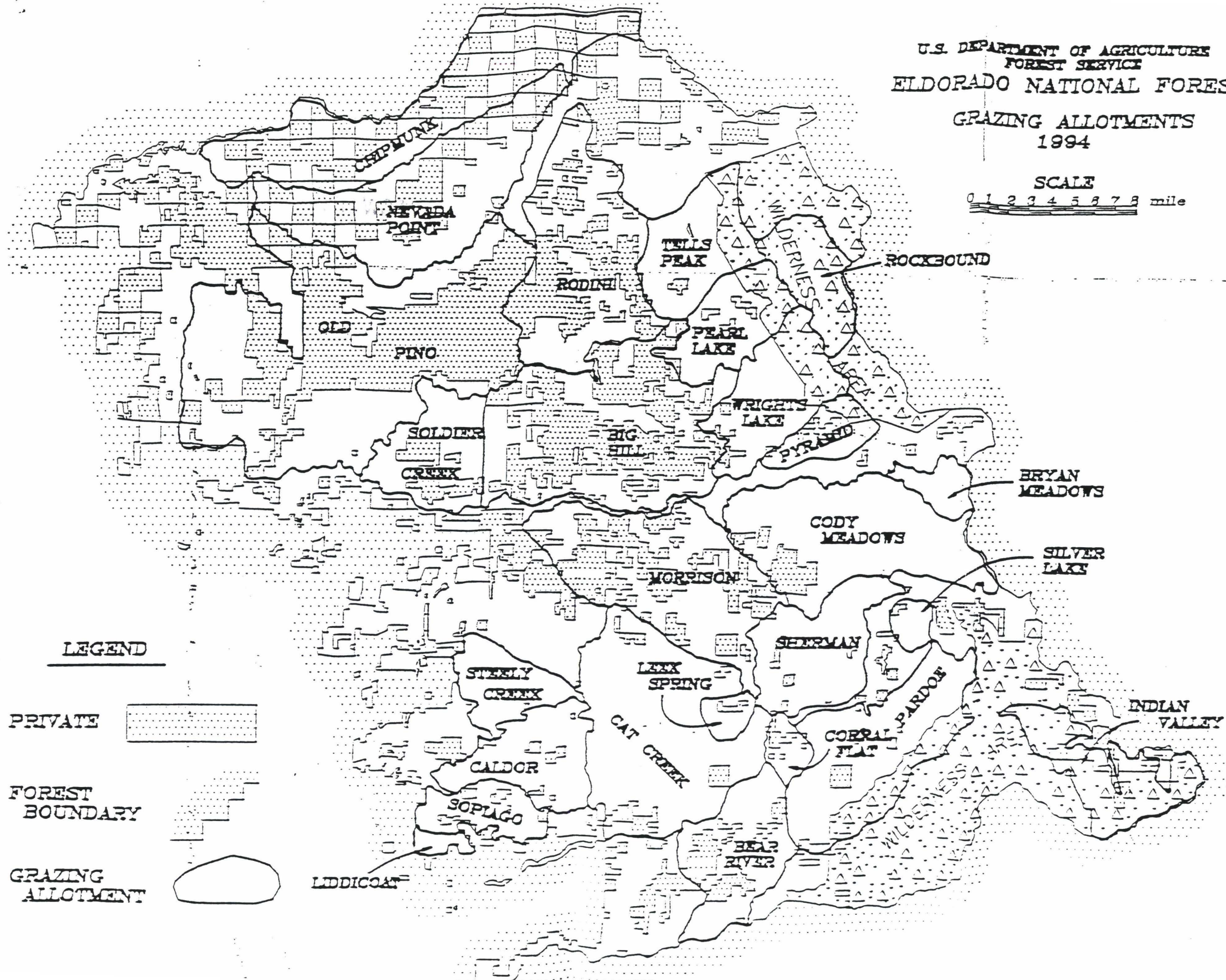
MOUs may include a description of the process by which the Forests will integrate the procedures and standards developed in the MOU into Forest Land and Resource Management Plans (FLRMPs), and make any necessary additions to existing S&Gs, Management Prescriptions, or other Forest-wide planning tools based on implementation of this Agreement during the revision or amendment of the FLRMP.

EXHIBIT B

**Grazing Allotments Location Map
Eldorado National Forest**

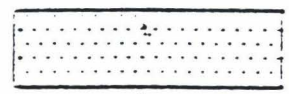
U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE
ELDORADO NATIONAL FOREST
GRAZING ALLOTMENTS
1994

SCALE
0 1 2 3 4 5 6 7 8 mile

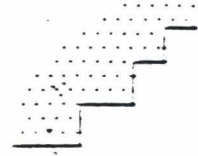


LEGEND

PRIVATE



FOREST
BOUNDARY



GRAZING
ALLOTMENT



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STEELY
CREEK

CALDOR

SOPRANO

LEXX
SPRING

CAT CREEK

BEAR
RIVER

SHERMAN

CORRAL
FLAT

WILDERNESS

PARDON

MORRISON

CODY
MEADOWS

BRYAN
MEADOWS

SILVER
LAKE

WRIGHTS
LAKE

PYRAMID

PEARL
LAKE

RODNEY

TELLS
PEAK

WILDERNESS

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POINT

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PINO

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